
NEW YORK STATE **REGISTER**

INSIDE THIS ISSUE:

- Academic Intervention Services
- Local Assistance Plan (LAP) and Focus Schools
- Reportable Incidents and Notable Occurrences
- City of New York Withholding Tables and Other Methods

Executive Orders

State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 30 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

For notices published in this issue:

- the 45-day period expires on August 19, 2017
- the 30-day period expires on August 4, 2017

**ANDREW M. CUOMO
GOVERNOR**

**ROSSANA ROSADO
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* (www.dos.ny.gov) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 45-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 30-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

Rule Making Activities

Education Department

- 1 / Epinephrine Auto-Injector Devices (E)
- 3 / Academic Intervention Services (EP)
- 6 / Local Assistance Plan (LAP) and Focus Schools (EP)
- 9 / Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma (P)

Environmental Conservation, Department of

- 13 / Repeal 6 NYCRR Part 500 and Amend/Repeal References to Parts 750-758 (P)

Financial Services, Department of

- 14 / Public Retirement Systems (E)

Health, Department of

- 18 / Residential Health Care Facility Quality Pool (E)
- 19 / Managed Care Organizations (P)

Higher Education Services Corporation

- 20 / New York State Achievement and Investment in Merit Scholarship (NY-AIMS) (E)
- 22 / New York State Get on Your Feet Loan Forgiveness Program (E)

Motor Vehicles, Department of

- 24 / International Registration Plan (P)

People with Developmental Disabilities, Office for

- 25 / Reportable Incidents and Notable Occurrences (EP)

Public Service Commission

- 26 / Joint Proposal Establishing Three-Year Gas Rate Plan (A)
- 26 / Leases of Certain Real Property (A)
- 26 / Initial Rates (A)
- 27 / Long-Term Loan Agreement (A)
- 27 / Transfer of Street Lighting Facilities (A)
- 27 / Tariff Amendments and Revisions (A)
- 27 / Tariff Amendments to Update Pole Attachment Rates (A)
- 28 / Major Electric Rate Filing (P)
- 28 / Major Gas Rate Filing (P)
- 28 / Conclusion of the Energy Efficiency Portfolio Standard Programs (P)
- 29 / Issuance by Corning Natural Gas of Long-Term Indebtedness (P)
- 29 / Whether a Proposed Agreement for the Provision of Water Service by Saratoga Water Services, Inc. is in the Public Interest (P)
- 30 / Modification of Interim Build-Out Targets (P)

Taxation and Finance, Department of

- 30 / City of New York Withholding Tables and Other Methods (EP)

Hearings Scheduled for Proposed Rule Makings / 33

Action Pending Index / 35

Securities Offerings

85 / State Notices

Advertisements for Bidders/Contractors

87 / Sealed Bids

Miscellaneous Notices/Hearings

89 / Notice of Abandoned Property Received by the State Comptroller

89 / Public Notice

Executive Orders

93 / Executive Order No. 167: Ban on Insurers that Withdraw from NY State of Health, New York's Official Health Plan Marketplace.

RULE MAKING ACTIVITIES

Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency
01 -the *State Register* issue number
96 -the year
00001 -the Department of State number, assigned upon receipt of notice.
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

Education Department

EMERGENCY RULE MAKING

Epinephrine Auto-Injector Devices

I.D. No. EDU-04-17-00012-E

Filing No. 427

Filing Date: 2017-06-20

Effective Date: 2017-06-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of section 136.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 305(1), (2), 901(1), (2), 902(1), (2), 903(1), (2), (3), 904(1), 906(1), (2), (3), 921(1), (2), 3208(1), (2), (3), (4) and (5); L. 2016, ch. 373

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The proposed rule is necessary to implement Chapter 373 of the Laws of 2016, which amends section 3000-c of the Public Health Law, which became effective on March 28, 2017, which permits school districts, boards of cooperative educational services (BOCES), county vocational education and extension boards, charter schools, and non-public elementary and secondary schools in the State to possess and use epinephrine auto-injector devices for emergency treatment of a person appearing to experience anaphylactic symptoms.

Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5),

would be the September 11-12, 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 27, 2017, the date a Notice of Adoption would be published in the State Register. However, the provisions of Chapter 373 became effective on March 28, 2017 and section 3 of the statute directs the Commissioner to promulgate necessary regulations for the timely implementation of the statute on its effective date.

Therefore, emergency action is necessary at the June 2017 Regents meeting for the preservation of the general welfare in order to continue to implement the provisions of Chapter 373 of the Laws of 2016, and thus ensure the continuous implementation of the statute.

It is also necessary to ensure that the emergency rule adopted at the March meeting, which will expire on June 10, 2017, remains continuously in effect until it can be adopted as a permanent rule. A Notice of Emergency Adoption was published in the State Register on April 12, 2017 and will expire on June 25, 2017. It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the September 11-12, 2017 Regents meeting, effective September 27, 2017.

Subject: Epinephrine Auto-Injector Devices.

Purpose: To implement the provisions of ch. 373 of the Laws of 2016.

Text of emergency rule: 1. Section 136.6 of the Regulations of the Commissioner of Education is amended, effective March 28, 2017, as follows:

(a) Definitions. As used in this section:

(1) Epinephrine auto-injector *device* means [an automated injection delivery device, approved by the United States Food and Drug Administration, for injecting a measured dose of the drug epinephrine] *a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body for the purpose of emergency treatment of a person appearing to experience anaphylactic symptoms approved by the United States Food and Drug Administration.*

(2) Trained school personnel means any person employed by a school district, board of cooperative educational services, county vocational education and extension board, charter school or non-public elementary and secondary school, including but not limited to, health professionals who have successfully completed a training course in the use of epinephrine auto-injector devices approved by the Department of Health pursuant to Public Health Law section 3000-c.

[(3) Collaborative agreement means a written agreement with an emergency health care provider pursuant to Public Health Law section 3000-c that incorporates written practice protocols, and policies and procedures that shall ensure compliance with the provisions of Public Health Law section 3000-c.

(4) Emergency health care provider means:

(i) a physician with knowledge and experience in the delivery of emergency care; or

(ii) a hospital licensed under Article 28 of the Public Health Law that provides emergency care.

(5) Regional Council means a regional emergency medical services council established pursuant to Public Health Law section 3003.

(6) [(3) Instructional school facility means a building or other facility maintained by a school district, board of cooperative educational services, a county vocational education and extension board, charter school, or non-public elementary and secondary school where instruction is provided to students pursuant to its curriculum.

(b) Each school district, board of cooperative educational services, county vocational education and extension board, charter school, and non-public elementary and secondary school may provide and maintain on-site in each instructional school facility epinephrine auto-injectors for use during emergencies in accordance with Public Health Law section 3000-c. Each such facility shall have sufficient epinephrine auto-injectors available to ensure ready and appropriate access for use during emergencies to any student or staff having symptoms of anaphylaxis whether or not there is a previous history of severe allergic reaction. In determining the quantity

and placement of epinephrine auto-injectors [in collaboration with the emergency health care provider,] consideration shall be given to:

- (1) the number of students, staff and other individuals that are customarily or reasonably anticipated to be within such facility; and
- (2) the physical layout of the facility, including but not limited to:
 - (i) location of stairways and elevators;
 - (ii) number of floors in the facility;
 - (iii) location of classrooms and other areas of the facility where large congregations of individuals may occur; and
 - (iv) any other unique design features of the facility.

[(c) The school district, board of cooperative educational services, county vocational education and extension board, charter school, or non-public elementary and secondary school shall file a copy of the collaborative agreement with the appropriate Regional Council. Trained school personnel shall not administer an epinephrine auto-injector in accordance with Public Health Law 3000-c prior to the filing of the collaborative agreement with the Regional Council.

(d)] (c) In the event of an emergency, trained school personnel or school personnel directed in a specific instance to use an epinephrine auto-injector device by a health care practitioner as defined in Public Health Law section 3000-c, may administer an epinephrine auto-injector to any student or school personnel having symptoms of anaphylaxis in an instructional school facility, whether or not there is a previous history of severe allergic reaction pursuant to Public Health Law section 3000-c.

[(e) Every use of an epinephrine auto-injector device pursuant to this section and Public Health Law section 3000-c shall immediately be reported to the emergency health care provider.]

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-04-17-00012-RP, Issue of May 24, 2017. The emergency rule will expire August 18, 2017.

Text of rule and any required statements and analyses may be obtained from: Kiri Goswami, New York State Education Department, 89 Washington Avenue, Albany, NY 12234, (518) 474-4817, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Ed.L. § 101 charges SED with the general management and supervision of public schools and the educational work of the State.

Ed.L. § 207 empowers the Board of Regents (Regents) and the Commissioner to adopt rules and regulations to carry out the laws of the State regarding education and the functions and duties conferred on the Department by law.

Ed.L. § 305(1) and (2) provide that the Commissioner, as chief executive officer of the State system of education and of the Regents, shall have general supervision over all schools and institutions subject to the provisions of the Education Law, or of any statute relating to education.

Ed.L. § 901(1) and (2), as amended by Ch. 58 of the Laws of 2006, requires school health services to be provided by each school district for all students attending the public schools in this State, except in the city school district of the city of New York.

Ed.L. § 902(1) and (2) provide for the employment of health professionals by school districts, and requires districts to employ a director of school health services to perform and coordinate the provision of health services in the public schools and to provide health appraisals of students attending its schools.

Ed.L. § 903(1) requires that health certificates be furnished by each student in the public schools upon entrance into school and in the grades prescribed by the Commissioner in regulations. Section 903(2), as amended by Ch. 57 of the Laws of 2013, requires schools to request that students furnish dental health certificates at the same time a health certificate is required. Section 903(3) provides that failure to furnish health certificates within 30 days of entrance will result in notice to the person in parental relationship to such student that if the certificate is not provided within 30 days of notice, a health appraisal will be made pursuant to the provisions of Article 19.

Ed.L. § 904(1) provides that the principal or principal's designee shall report to the director of school health services the names of all students who have not furnished health certificates or who are children with disabilities and the director shall cause such students to be examined.

Ed.L. § 905(1) requires screening examinations for vision, hearing and scoliosis at such times and as defined in the regulations of the Commissioner.

Ed.L. § 906(1), (2) and (3), provides for the exclusion and examination, and examination upon readmittance of students showing symptoms of communicable or infectious disease reportable under the Public Health Law, and for the evaluation of teachers and other school employees and school buildings and premises as deemed necessary to protect the health of students and staff.

Ed.L. § 911(1) provides that it be the duty of the Commissioner to enforce the provisions of Ed.L. Article 19, and the Commissioner may adopt rules and regulations not inconsistent herewith, after consultation with the Commissioner of Health, for the purpose of carrying into full force and effect the objects and intent of such Article.

Ed.L. § 914(1) provides that each school shall require every child entering or attending school to submit proof of immunization against certain specified diseases.

Ed.L. § 921(1) and (2), as amended by Ch. 57 of the Laws of 2016 authorizes school districts, BOCES, CVEEBs, charter schools, and non-public elementary and secondary schools, or any person employed by any such entity, to administer epinephrine auto-injectors in the event of an emergency pursuant to the requirements of Public Health Law § 3000-c.

Ed.L. § 3208(1-5) provides for attendance and student mental/physical examination requirements.

Public Health Law 2164(7) prescribes the required immunizations for attendance in school.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to implement and otherwise conform Commissioner's Regulations to Ch. 373 of the Laws of 2016.

3. NEEDS AND BENEFITS:

On-site epinephrine auto-injectors

On September 29, 2016, the Governor signed Ch. 373 of the Laws of 2016, which made certain changes to the use of emergency epinephrine auto-injectors. The proposed amendment makes the following conforming changes to § 136.6:

- Amends the definition of epinephrine auto-injector device to conform to the new definition in law (a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body for the purpose of emergency treatment of a person appearing to experience anaphylactic symptoms approved by the FDA)

- Eliminates the requirement for a school district to enter into a collaborative agreement with an emergency health care provider in order to purchase, acquire, possess and use epinephrine auto-injector devices.

- School districts are no longer required to report every use of an epinephrine auto-injector to the emergency health care provider (with whom they would have had the collaborative agreement prior to the statutory amendments).

4. COSTS:

(a) Costs to State government: none.

(b) Costs to local government: In general, the proposed rule does not impose any costs beyond those required by Education Law Article 19 and those inherent in Ch. 373 of the Laws of 2016.

(c) Costs to private regulated parties: none.

(d) Costs to the regulating agency for implementation and administration of this rule: none.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any new costs on the State, local governments, private regulated parties or the State Education Department, but merely implements and otherwise conforms Commissioner's Regulations to Ch. 373 of the Laws of 2016.

6. PAPERWORK:

This proposed amendment does not impose any additional paperwork requirements. The proposed amendment merely implements and otherwise conforms Commissioner's Regulations to Ch. 373 of the Laws of 2016.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or federal regulations.

8. ALTERNATIVES:

The proposed amendment is necessary to implement and otherwise conform Commissioner's Regulations to Ch. 373 of the Laws of 2016. No significant alternatives were considered.

9. FEDERAL STANDARDS:

There are no related federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated regulated parties will be able to achieve compliance with the proposed rule by its effective date as required by the statute.

Regulatory Flexibility Analysis

Small Businesses:

The proposed amendment merely implements and otherwise conforms Commissioner's Regulations to Ch. 373 of the Laws of 2016. The proposed amendment does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Local Government:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 695 school districts within the State.

2. COMPLIANCE REQUIREMENTS:**On-site epinephrine auto-injectors**

On September 29, 2016, the Governor signed Ch. 373 of the Laws of 2016, which made certain changes to the use of emergency epinephrine auto-injectors. The proposed amendment makes the following conforming changes to § 136.6:

- Amends the definition of epinephrine auto-injector device to conform to the new definition in law (a single-use device used for the automatic injection of a premeasured dose of epinephrine into the human body for the purpose of emergency treatment of a person appearing to experience anaphylactic symptoms approved by the FDA).

- Eliminates the requirement for a school district to enter into a collaborative agreement with an emergency health care provider in order to purchase, acquire, possess and use epinephrine auto-injector devices.

- School districts are no longer required to report every use of an epinephrine auto-injector to the emergency health care provider (with whom they would have had the collaborative agreement prior to the statutory amendments).

3. PROFESSIONAL SERVICES:

The proposed amendment imposes no additional professional service requirements.

4. COMPLIANCE COSTS:

In general, the proposed rule does not impose any costs beyond those required by Education Law Article 19 and those inherent in Ch. 373 of the Laws of 2016.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any technological requirements or costs on school districts.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement Ch. 373 of the Laws of 2016. No significant alternatives were considered. Because the statute upon which the proposed amendment is based applies to all school districts and BOCES in the State, except for the city school district of the City of New York where exempted by statute, it is not possible to establish differing compliance or reporting requirements or timetables or to exempt schools in rural areas from coverage by the proposed amendment.

7. LOCAL GOVERNMENT PARTICIPATION:

Copies of the proposed amendment have been provided to District Superintendents with the request that they distribute them to school districts within their supervisory districts for review and comment. Copies were also provided for review and comment to the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:**

The proposed rule applies to school districts, boards of cooperative educational services (BOCES), county vocational education and extension board, charter schools, and nonpublic elementary and secondary schools, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule generally does not impose any additional compliance requirements upon local governments beyond those required by Education Law Article 19 and those imposed by Chapter 373 of the Laws of 2016. The proposed rule does not impose any additional professional services requirements on entities in rural areas.

3. COMPLIANCE COSTS:

In general, the proposed rule does not impose any costs beyond those required by Education Law Article 19 and those inherent in Ch. 373 of the Laws of 2016.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to implement and otherwise conform Commissioner's Regulations to Ch. 373 of the Laws of 2016. No significant alternatives were considered. Because the statute upon which the proposed amendment is based applies to all school districts and BOCES in the State, except for the city school district of the City of New York where exempted by statute, it is not possible to establish differing compliance or reporting requirements or timetables or to exempt schools in rural areas from coverage by the proposed amendment.

5. RURAL AREA PARTICIPATION:

The proposed rule was submitted for review and comment to the Department's Rural Education Advisory Committee, which includes representatives of school districts in rural areas.

Job Impact Statement

The purpose of the proposed rule is to statutes and is necessary to implement and otherwise conform Commissioner's Regulations to Ch. 373 of

the Laws of 2016. Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Academic Intervention Services

I.D. No. EDU-27-17-00010-EP

Filing No. 425

Filing Date: 2017-06-20

Effective Date: 2017-06-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 100.2(ee) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 305(1), (2), 308(not subdivided), 309(not subdivided) and 3204(3)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The proposed amendment to section 100.2(ee) of the Regulations of the Commissioner of Education is necessary to ensure school districts have sufficient notice of the amendments and are able to implement them beginning with the 2017-2018 school year.

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on July 5, 2017. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) for a proposed rulemaking, would be the September 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 27, 2017, the date a Notice of Adoption would be published in the State Register. In order to have these provisions in effect prior to the next school year, emergency action is therefore necessary for the preservation of general welfare to ensure that school districts have sufficient notice of the amendments and are able to implement them beginning with the 2017-2018 school year which commences on July 1, 2017.

Subject: Academic Intervention Services.

Purpose: To revise the methodology by which school districts shall identify students in grades 3-8 who receive AIS.

Text of emergency/proposed rule: Paragraph (2) of subdivision (ee) of section 100.2 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, as follows:

(2) Requirements for providing academic intervention services in grade three to grade eight.

(i) For the 2016-17, 2017-18, and 2018-2019 school years, schools shall provide academic intervention services following a two-step identification process:

(a) First, students who score below a median scale score between a level 2/partially proficient and a level 3/proficient on a grade 3-8 English language arts or mathematics State assessment as determined by the Commissioner, shall be considered for academic intervention services. Students scoring at or above the median scale score determined by the Commissioner but below a level 3/proficient score shall not be required to receive academic intervention services unless the school district, in its discretion, determines that such services are needed.

(b) Districts shall then use a district-developed procedure, to be applied uniformly at each grade level, for determining which students identified in clause (a) shall receive academic intervention services after it considers a student's scores on multiple measures of student performance, which may include, but need not be limited to, one or more of the following measures, as determined by the district:

(1) developmental reading assessments for grades kindergarten through grade 6;

(2) New York State English as a Second Language Achievement Test (NYSESLAT);

(3) benchmark and lesson-embedded assessments for reading and mathematics in grades kindergarten through grade 6 based on teacher designed and selected assessments;

(4) common formative assessments that provide information about students' skills;

(5) unit and lesson assessments for English language arts, mathematics, science, social studies and languages other than English for grades 7 through 8; and/or

(6) results of psychoeducational evaluations based on a variety of assessments and inventories.

(c) Each school district shall develop and maintain its policies for providing academic intervention services [during the 2016-2017 school year] no later than September 1, [2016] of each school year and shall either post its policies to its website or distribute to parents in writing a description of such process, including a description of which student performance measures and scores on such measures will be utilized to determine eligibility for academic intervention services.

(d) Schools shall also provide academic intervention services to students who are [limited English proficient (LEP)] *English Language Learners* and are determined, through a district-developed or district-adopted procedure uniformly applied to [LEP] *English Language Learner* students, to be at risk of not achieving State learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language. This district procedure may also include diagnostic screening for vision, hearing, and physical disabilities pursuant to article 19 of the Education Law, as well as screening for possible disability pursuant to Part 117 of this Title.

(e) Schools shall also provide academic intervention services to students who are determined, through a district-developed or district-adopted procedure uniformly applied, to be at risk of not achieving State standards in English language arts, mathematics, social studies and/or science. This district procedure may also include diagnostic screening for vision, hearing, and physical disabilities pursuant to article 19 of the Education Law, as well as screening for possible [limited English proficiency] *identification as an English Language Learner* or for possible disability pursuant to Part 117 of this Title.

(ii) Commencing with the [2017-18] 2019-20 school year and each school year thereafter, schools shall provide academic intervention services following a two-step identification process:

(a) First, all students performing at or below a certain scale score, established through a standard setting process conducted by the Department, on one or more of the State elementary assessments in English language arts or mathematics shall be considered for academic intervention services. The standard setting process shall include a panel of educators, including teachers, principals and other school personnel. Students scoring at or above the scale score established by the standard setting panel and approved by the Commissioner shall not be required to receive academic intervention services unless the school district, in its discretion, determines that such services are needed.

(b) Districts shall then use a district-developed procedure, to be applied uniformly at each grade level, for determining which students identified in clause (a) shall receive academic intervention services after it considers a student's scores on multiple measures of student performance, which may include, but need not be limited to, one or more of the following measures, as determined by the district:

(1) developmental reading assessments for grades kindergarten through grade 6;

(2) New York State English as a Second Language Achievement Test (NYSESLAT);

(3) benchmark and lesson-embedded assessments for reading and mathematics in grades kindergarten through grade 6 based on teacher designed and selected assessments;

(4) common formative assessments that provide information about students' skills;

(5) unit and lesson assessments for ELA, mathematics, science, social studies and languages other than English for grades 7 through 8; and/or

(6) results of psychoeducational evaluations based on a variety of assessments and inventories.

(c) Each school district shall develop and maintain its policies for providing academic services during the [2017-2018] 2019-2020 school year and each school year thereafter no later than September 1, [2017] 2019 and each September thereafter and shall either post its policies to its website or distribute to parents in writing a description of such process, including a description of which student performance measures and scores on such measures will be utilized to determine eligibility for academic intervention services.

(d) Schools shall also provide academic intervention services to students who are [limited English proficient (LEP)] *English Language Learners* and are determined, through a district-developed or district-

adopted procedure uniformly applied to [LEP] *English Language Learner* students, to be at risk of not achieving State learning standards in English language arts, mathematics, social studies and/or science, through English or the student's native language. This district procedure may also include diagnostic screening for vision, hearing, and physical disabilities pursuant to article 19 of the Education Law, as well as screening for possible [disability] *disabilities* pursuant to Part 117 of this Title; or

(e) Schools shall also provide academic intervention services to students who are determined, through a district-developed or district-adopted procedure uniformly applied, to be at risk of not achieving State standards in English language arts, mathematics, social studies and/or science. This district procedure may also include diagnostic screening for vision, hearing, and physical disabilities pursuant to article 19 of the Education Law, as well as screening for possible [limited English proficiency] *identification as an English Language Learner* or for possible disability pursuant to Part 117 of this Title.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 17, 2017.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, New York State Education Department, Room 148, 89 Washington Avenue, Albany, New York 12047, (618) 474-8966, email: legal@nysed.gov

Data, views or arguments may be submitted to: Renee Rider, Assistant Commissioner, New York State Education Department, 89 Washington Avenue, Albany, NY 12047, (518) 474-4817, email: regcomments@nysed.gov

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law (Ed.L.) § 101 charges SED with the general management and supervision of public schools and the educational work of the State.

Ed.L. § 207 empowers the Regents and the Commissioner to adopt rules and regulations to carry out the laws of the State regarding education and the functions and duties conferred on SED by law.

Ed.L. § 305 (1) and (2) provide that the Commissioner, as chief executive officer of the State system of education and of the Regents, shall have general supervision over all schools and institutions subject to the provisions of the Ed.L., or of any statute relating to education, and shall execute all educational policies determined by the Regents.

Ed.L. § 308 authorizes the Commissioner to enforce and give effect to any provision in the Ed.L. or in any other general or special law pertaining to the school system of the State or any rule or direction of the Regents.

Ed.L. § 309 charges the Commissioner with the general supervision of boards of education and their management and conduct of all departments of education.

Ed.L. § 3204(3) set forth the programs of study in the public schools.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to continue the two-step identification process for students eligible for AIS, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

3. NEEDS AND BENEFITS:

In 2016, § 100.2(ee) was amended to change the methodology for identifying students in grades 3-8 to receive AIS through a two-step process. This two-step process includes an initial identification based on the student's performance on the State assessments in ELA or math, and a secondary district-developed procedure to review multiple measures of student performance. This regulatory amendment to include multiple measures of student performance to identify students in need of AIS was based upon recommendations from New York State educators and stakeholders, and was included as Recommendation #19 in the Governor's Common Core Task Force Report released in December 2015.

While the amendments requiring a two-step identification process and multiple measures of student performance were effective for the 2016-2017 school year, § 100.2(ee) was further amended to include a timeline for revisions to the AIS identification methodology that would be in effect beginning with the 2017-2018 school year. This required the Department to engage a panel of educators to conduct a standard setting process led by the Department to recommend the level of performance for the grades 3-8 ELA and mathematics assessments for which a student could be considered

for AIS. Concurrently with the amendments to the AIS identification methodology, the Department was engaging, and continues to engage, stakeholders as the Board of Regents moves toward adopting the Next Generation English Language Arts and Mathematics Learning Standards. However, because such standards have not yet been adopted by the Board, and the corresponding assessments have yet to be developed, NYSED recommends delaying until the 2019-2020 school year the establishment of the standard setting panel to ensure appropriate alignment with the Next Generation English Language Arts and Mathematics Learning Standards.

As is currently the case, districts continue to have the flexibility to make a determination that a student who scores above the cut score for eligibility for AIS should receive this service. As is also currently the case, districts must by September 1 each year develop and maintain their policies for providing AIS and either post the district's policies to the district's website or distribute to parents in writing a description of such process, including a description of which student performance measures and scores on such measures will be utilized to determine eligibility for AIS.

In an effort to ensure that the standard setting process is meaningful within the context of the Next Generation English Language Arts and Mathematics Learning Standards, the Department is proposing to amend the regulation to continue the two-step identification process, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delay the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

4. COSTS:

- (a) Costs to State government: None.
- (b) Costs to local governments: None.
- (c) Costs to private regulated parties: None.
- (d) Costs to regulating agency for implementation and continued administration of this rule: None.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments but merely continues the two-step identification process for students eligible for AIS, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards. The proposed amendment will not impose any additional compliance requirements but instead will allow for continued flexibility to school districts in identifying students eligible for AIS.

6. PAPERWORK:

The proposed amendment does not impose any new specific recordkeeping, reporting or other paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or federal regulations.

8. ALTERNATIVES:

There were no alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no related federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to achieve compliance with the proposed amendment by its effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed amendment continues the two-step identification process for students eligible for AIS, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards. The proposed amendment will not impose any additional compliance requirements but instead will allow for continued flexibility to school districts in identifying students eligible for AIS. The proposed amendment does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local government:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments but merely continues the two-step identification process for students eligible for AIS, which

includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards. The proposed amendment will not impose any additional compliance requirements but instead will allow for continued flexibility to school districts in identifying students eligible for AIS.

1. EFFECT OF RULE:

The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to continue the two-step identification process for students eligible for AIS, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

3. NEEDS AND BENEFITS:

In 2016, § 100.2(ee) was amended to change the methodology for identifying students in grades 3-8 to receive AIS through a two-step process. This two-step process includes an initial identification based on the student's performance on the State assessments in ELA or math, and a secondary district-developed procedure to review multiple measures of student performance. This regulatory amendment to include multiple measures of student performance to identify students in need of AIS was based upon recommendations from New York State educators and stakeholders, and was included as Recommendation #19 in the Governor's Common Core Task Force Report released in December 2015.

While the amendments requiring a two-step identification process and multiple measures of student performance were effective for the 2016-2017 school year, § 100.2(ee) was further amended to include a timeline for revisions to the AIS identification methodology that would be in effect beginning with the 2017-2018 school year. This required the Department to engage a panel of educators to conduct a standard setting process led by the Department to recommend the level of performance for the grades 3-8 ELA and mathematics assessments for which a student could be considered for AIS. Concurrently with the amendments to the AIS identification methodology, the Department was engaging, and continues to engage, stakeholders as the Board of Regents moves toward adopting the Next Generation English Language Arts and Mathematics Learning Standards. However, because such standards have not yet been adopted by the Board, and the corresponding assessments have yet to be developed, NYSED recommends delaying until the 2019-2020 school year the establishment of the standard setting panel to ensure appropriate alignment with the Next Generation English Language Arts and Mathematics Learning Standards.

As is currently the case, districts continue to have the flexibility to make a determination that a student who scores above the cut score for eligibility for AIS should receive this service. As is also currently the case, districts must by September 1 each year develop and maintain their policies for providing AIS and either post the district's policies to the district's website or distribute to parents in writing a description of such process, including a description of which student performance measures and scores on such measures will be utilized to determine eligibility for AIS.

In an effort to ensure that the standard setting process is meaningful within the context of the Next Generation English Language Arts and Mathematics Learning Standards, the Department is proposing to amend the regulation to continue the two-step identification process, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delay the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

4. PROFESSIONAL SERVICES:

The proposed amendment imposes no additional professional service requirements on school districts.

5. COMPLIANCE COSTS:

The proposed amendment does not impose any additional costs but merely continues the two-step identification process for students eligible for AIS, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to continue Regents policy to provide academic intervention services to students in need of such supports, as identified by multiple measures of student performance. This amended identification methodology will continue to provide flexibility to school districts in determining which measures of academic performance are valuable indicators of student need for academic intervention services while at the same time ensure that students who will be best served by academic intervention services will be eligible to receive such services.

8. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:**

The proposed rule applies to all school districts in the State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

In 2016, § 100.2(ee) was amended to change the methodology for identifying students in grades 3-8 to receive AIS through a two-step process. This two-step process includes an initial identification based on the student's performance on the State assessments in ELA or math, and a secondary district-developed procedure to review multiple measures of student performance. This regulatory amendment to include multiple measures of student performance to identify students in need of AIS was based upon recommendations from New York State educators and stakeholders, and was included as Recommendation #19 in the Governor's Common Core Task Force Report released in December 2015.

While the amendments requiring a two-step identification process and multiple measures of student performance were effective for the 2016-2017 school year, § 100.2(ee) was further amended to include a timeline for revisions to the AIS identification methodology that would be in effect beginning with the 2017-2018 school year. This required the Department to engage a panel of educators to conduct a standard setting process led by the Department to recommend the level of performance for the grades 3-8 ELA and mathematics assessments for which a student could be considered for AIS. Concurrently with the amendments to the AIS identification methodology, the Department was engaging, and continues to engage, stakeholders as the Board of Regents moves toward adopting the Next Generation English Language Arts and Mathematics Learning Standards. However, because such standards have not yet been adopted by the Board, and the corresponding assessments have yet to be developed, NYSED recommends delaying until the 2019-2020 school year the establishment of the standard setting panel to ensure appropriate alignment with the Next Generation English Language Arts and Mathematics Learning Standards.

As is currently the case, districts continue to have the flexibility to make a determination that a student who scores above the cut score for eligibility for AIS should receive this service. As is also currently the case, districts must by September 1 each year develop and maintain their policies for providing AIS and either post the district's policies to the district's website or distribute to parents in writing a description of such process, including a description of which student performance measures and scores on such measures will be utilized to determine eligibility for AIS.

In an effort to ensure that the standard setting process is meaningful within the context of the Next Generation English Language Arts and Mathematics Learning Standards, the Department is proposing to amend the regulation to continue the two-step identification process, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delay the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

3. COMPLIANCE COSTS:

The proposed amendment does not impose any additional costs but merely continues the two-step identification process for students eligible for AIS, which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delays the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment does not impose any additional compliance requirements or costs and is necessary to implement Regents policy to continue the two-step identification process for students eligible for AIS,

which includes identification of students who perform at or below a median cut point score between a Level 2/partially proficient and a Level 3/proficient, as determined by the Commissioner for the 2017-2018 and 2018-2019 school years, and delay the standard setting process until the 2019-2020 school year to ensure accuracy and consistency among the assessments and the learning standards. The proposed amendment will not impose any additional compliance requirements but instead will allow for continued flexibility to school districts in identifying students eligible for AIS.

5. RURAL AREA PARTICIPATION:

Comments on the proposed amendment were solicited from the Department's Rural Advisory Committee, whose membership includes school districts located in rural areas.

Job Impact Statement

The proposed amendment relates to the methodology by which school district shall identify students in grades 3 through 8 who receive Academic Intervention Services (AIS). The proposed amendment does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Local Assistance Plan (LAP) and Focus Schools

I.D. No. EDU-27-17-00011-EP

Filing No. 426

Filing Date: 2017-06-20

Effective Date: 2017-06-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 100.18 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 208(not subdivided), 210(not subdivided), 215(not subdivided) 305(1), (2), (20), 308(not subdivided), 309(not subdivided), 3713(1) and (2)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The proposed amendment to section 100.18(g) of the Regulations of the Commissioner of Education is necessary to ensure that school districts are aware of the change in identification requirements applicable beginning with the 2017-2018 school year and to ensure a seamless transition from New York State's Elementary and Secondary Education Act (ESEA) Flexibility Waiver Renewal Request in alignment with the State's draft Every Student Succeeds Act (ESSA) school accountability plan.

A Notice of Emergency Adoption and Proposed Rule Making will be published in the State Register on July 5, 2017. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for regular (non-emergency) adoption, after expiration of the required 45-day public comment period provided for in the State Administrative Procedure Act (SAPA) for a proposed rulemaking, would be the September 2017 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 27, 2017, the date a Notice of Adoption would be published in the State Register.

A delay in the rule's effective date could disrupt the State's transition from the ESEA Flexibility Waiver to the proposed ESSA state accountability system. Emergency action is therefore necessary at the June 2017 Regents meeting for the preservation of the general welfare to ensure that school districts are aware of the change in identification requirements applicable beginning with the 2017-2018 school year and to ensure a seamless transition to the proposed ESSA accountability system. It is anticipated that the proposed amendment will be presented to the Board of Regents for permanent adoption at its September 2017 meeting, which is the first scheduled meeting after expiration of the 45-day public comment period required by the State Administrative Procedure Act.

Subject: Local Assistance Plan (LAP) and Focus Schools.

Purpose: To remove the requirement that LAP and Focus Schools be identified using assessment results from 2015-16 and subsequent years.

Text of emergency/proposed rule: Subdivision (g) of section 100.18 of

the Regulations of the Commissioner of Education is amended, effective July 1, 2017, as follows:

(g) Differentiated accountability for schools and districts. Prior to the commencement of the 2012-2013 school year, the commissioner, based on the 2010-2011 school year results, shall designate focus districts, priority schools and focus charter schools. Prior to the commencement of the 2013-2014 school year, based on the 2011-2012 school year results, and each year thereafter *up through and including the 2016-2017 school year*, based on the subsequent school year results, the commissioner shall designate public schools requiring a local assistance plan.

- (1) ...
- (2) ...
- (3) ...
- (4) ...
- (5) ...
- (6) ...
- (7) ...
- (8) ...

(9) [Identification of local assistance plan schools as focus schools.

(i) Commencing with 2015-2016 school year results, a school that has been identified as a local assistance plan school based on 2013-2014, 2014-2015 and 2015-2016 school year results and based on each three consecutive school years of results thereafter will be preliminary identified as a focus school.

(ii) School districts and charter schools will be informed of the preliminary status of the school district and schools, and will be provided the opportunity to appeal such preliminarily identification, in a format and according to such timeline as prescribed by the commissioner. If the commissioner identifies a local assistance plan school as a focus school in a district in which in the prior school year there were no schools identified as focus or priority, the district shall also be identified as a focus district.

(iii) If a school district or charter school appeals the designation of a transfer high school as a focus school, the commissioner shall give careful consideration to the mission of the school, student performance, and the school's ability to effectively serve its students in a turnaround environment. The commissioner will take into account student performance factors including the age and number of credits that members of the cohort have upon admission to the school and the success of the school in graduating students up to the age of 21.

(10) [School requiring a local assistance plan.

(i) [Beginning with] *For the 2015-2016 and 2016-2017 school years, using the 2013-2014 and 2014-2015 school year results respectively* [and annually thereafter], a school that has not been designated as a priority or focus school shall be designated as a local assistance plan school if the school:

(a) failed to make adequate yearly progress (AYP) for an accountability group for three consecutive years on the same performance criterion in subdivision (j) of this section; provided that such school shall not be designated as a local assistance plan school if the school has met other measures of progress as determined by the commissioner pursuant to subparagraph (ii) of this paragraph; or

(b) has gaps in achievement on a performance criterion in subdivision (j) of this section and the school has not shown sufficient progress toward reducing or closing those gaps, or meeting other measures of progress as determined by the commissioner pursuant to subparagraph (ii) of this paragraph, between students who are members and students who are not members of that accountability group; or

(c) for determinations based on 2013-2014 school year results, the school is located in a district that is not designated as Focus and the school meets the criteria for identification as a focus school pursuant to subparagraph (7)(ii) of this subdivision, and such other measures of progress as determined by the commissioner pursuant to subparagraph (ii) of this paragraph and for determinations based on 2014-2015 school year results and each school year's results thereafter the school meets the criteria for identification pursuant to paragraph (8) of this subdivision.

(ii) Notwithstanding the provisions of clauses (i)(a) through (c) of this paragraph, the commissioner may consider other measures of progress in determining whether to identify a school as a local assistance plan school *using the 2013-2014 school year results and/or the 2014-2015 school year results*, including but not limited to:

(a) whether a subgroup has made two consecutive years of AYP;

(b) the subgroup's Student Growth Percentile (SGP) is above State average;

(c) the percentile rank of the Performance Index (PI)/graduation rate of a subgroup on an accountability measure as compared to the percentile rank of the PI/graduation rate of the subgroup in other schools in the State;

(d) whether the graduation rate of the subgroup is above State average; and/or

(e) if the subgroup's performance on an accountability measure has changed from year to year.

(iii) *The commissioner shall consider the 2015-2016 school year results in determining whether a school designated as a local assistance plan school pursuant to this paragraph shall retain such designation in the 2017-2018 school year.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 17, 2017.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, New York State Education Department, Room 148, 89 Washington Avenue, Albany, New York 12047, (618) 474-8966, email: legal@nysed.gov

Data, views or arguments may be submitted to: Angelica Infante-Green, Deputy Commissioner for P12 Instructional Support, New York State Education Department, 2M West, Albany, NY 12047, (518) 474-5510, email: regcomments@nysed.gov

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law section 101 continues the existence of the State Education Department, with Board of Regents as its head, and authorizes the Regents to appoint the Commissioner of Education as Department's Chief Administrative Officer, who is charged with general management and supervision of all public schools and educational work of State.

Education Law section 207 empowers the Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law section 208 authorizes the Regents to establish examinations as to attainments in learning and to award and confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Education Law section 210 authorizes the Regents to register domestic and foreign institutions in terms of State standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and professions in the State.

Education Law section 305(1) and (2) provide the Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents. Section 305(20) provides the Commissioner shall have such further powers and duties as charged by the Regents.

Education Law section 308 authorizes the Commissioner to enforce and give effect to any provision in the Education Law or in any other general or special law pertaining to the school system of the State or any rule or direction of the Regents.

Education Law section 309 charges the Commissioner with general supervision of boards of education and their management and conduct of all departments of instruction.

Education Law section 3713(1) and (2) authorize State and school districts to accept federal law making appropriations for educational purposes and authorize Commissioner to cooperate with federal agencies to implement such law.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement Regents policy relating to public school and district accountability and federal requirements relating to the provisions of the Every Student Succeeds Act of 2015 (ESSA).

3. NEEDS AND BENEFITS:

Prior to the passage of ESSA, the State's accountability system was aligned with the requirements of the federal Elementary and Secondary Education Act (ESEA) Flexibility Waiver. Under the ESEA Flexibility Waiver, the Department committed to annually identifying LAP and Focus Schools.

On December 10, 2015, ESSA was signed into law by President Obama. ESSA, a bipartisan measure, reauthorized the 50-year-old ESEA and provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure that all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers, and citizenship.

ESSA requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results. The law does not require the State to identify any additional category of schools for support and intervention. Furthermore,

the USDE has issued guidance that clarifies that states are not required to identify new schools pursuant to a state's approved ESEA flexibility waiver for intervention while transitioning to the new accountability system required by ESSA.

Accordingly, the proposed regulatory amendment would remove the requirement that LAP and Focus Schools be identified using assessment results from the 2015-16 and subsequent school years.

4. COSTS:

Cost to the State: none.

Costs to local government: none.

Cost to private regulated parties: none.

Cost to regulating agency for implementation and continued administration of this rule: none.

The proposed amendment does not impose any direct costs on the State, local governments, private regulated parties or the State Education Department beyond those imposed by federal law.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment relates to State and Federal standards for public school and school district accountability and will not impose any additional program, service, duty or responsibility upon local governments.

6. PAPERWORK:

The proposed amendment does not impose any specific recordkeeping, reporting or other paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or federal requirements.

8. ALTERNATIVES:

There were no significant alternatives and none were considered. The proposed amendment relates to public school and school district accountability and is necessary to implement Regents policy relating to public school and district accountability and federal requirements relating to the provisions of the Every Student Succeeds Act of 2015 (ESSA).

9. FEDERAL STANDARDS:

The proposed amendment is necessary to conform the Commissioner's Regulations to ESSA which requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results.

10. COMPLIANCE SCHEDULE:

It is anticipated regulated parties will be able to achieve compliance with the proposed rule by its effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The proposed amendment will not impose any additional compliance requirements but instead removes the requirement that LAP and Focus Schools be identified using assessment results from the 2015-16 and subsequent school years.

The proposed amendment does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local government:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments but instead removes the requirement that LAP and Focus Schools be identified using assessment results from the 2015-16 and subsequent school years.

1. EFFECT OF RULE:

The proposed amendment applies to each of the 695 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment is consistent with the authority conferred by the above statutes and is necessary to conform the Commissioner's regulations to ESSA which requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results.

3. NEEDS AND BENEFITS:

Prior to the passage of ESSA, the State's accountability system was aligned with the requirements of the federal Elementary and Secondary Education Act (ESEA) Flexibility Waiver. Under the ESEA Flexibility Waiver, the Department committed to annually identifying LAP and Focus Schools.

On December 10, 2015, ESSA was signed into law by President Obama. ESSA, a bipartisan measure, reauthorized the 50-year-old ESEA and provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure that all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers, and citizenship.

ESSA requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results. The law does not require the State to identify any additional category of schools for support and intervention. Furthermore, the USDE has issued guidance that clarifies that states are not required to identify new schools pursuant to a state's approved ESEA flexibility waiver for intervention while transitioning to the new accountability system required by ESSA.

Accordingly, the proposed regulatory amendment would remove the requirement that LAP and Focus Schools be identified using assessment results from the 2015-16 and subsequent school years.

4. PROFESSIONAL SERVICES:

The proposed amendment imposes no additional professional service requirements on school districts.

5. COMPLIANCE COSTS:

The proposed amendment does not impose any additional compliance requirements or costs beyond those required by federal law and is necessary to implement Regents policy relating to public school and district accountability and federal requirements relating to the provisions of the Every Student Succeeds Act of 2015 (ESSA).

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to conform the Commissioner's regulations to ESSA which requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results.

8. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, and from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed rule applies to all school districts in the State, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

Prior to the passage of the Every Student Succeeds Act of 2015 (ESSA), the State's accountability system was aligned with the requirements of the federal Elementary and Secondary Education Act (ESEA) Flexibility Waiver. Under the ESEA Flexibility Waiver, the Department committed to annually identifying LAP and Focus Schools.

On December 10, 2015, ESSA was signed into law by President Obama. ESSA, a bipartisan measure, reauthorized the 50-year-old ESEA and provides federal funds to improve elementary and secondary education in the nation's public schools and requires states and school districts, as a condition of funding, to take a variety of actions to ensure that all children, regardless of race, income, background, or where they live, receive the education they need to prepare them for success in postsecondary education, careers, and citizenship.

ESSA requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results. The law does not require the State to identify any additional category of schools for support and intervention. Furthermore, the USDE has issued guidance that clarifies that states are not required to identify new schools pursuant to a state's approved ESEA flexibility waiver for intervention while transitioning to the new accountability system required by ESSA.

Accordingly, the proposed regulatory amendment would remove the requirement that LAP and Focus Schools be identified using assessment results from the 2015-16 and subsequent school years.

3. COMPLIANCE COSTS:

The proposed amendment does not impose any direct costs on the State, local governments, private regulated parties or the State Education Department beyond those required by federal law. It is necessary to conform the Commissioner's regulations to ESSA which requires states to identify Comprehensive Support and Intervention and Targeted Support and Intervention Schools, beginning with 2017-2018 school year results.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendment does not impose any additional compliance requirements or costs and is necessary to implement Regents policy relating to public school and district accountability and federal requirements relating to the provisions of the Every Student Succeeds Act of 2015 (ESSA).

5. RURAL AREA PARTICIPATION:

Comments on the proposed amendment were solicited from the

Department's Rural Advisory Committee, whose membership includes school districts located in rural areas.

Job Impact Statement

The proposed amendment relates to public school and school district accountability and is necessary to implement Regents policy relating to public school and district accountability and federal requirements relating to the provisions of the Every Student Succeeds Act of 2015 (ESSA).

The proposed amendment does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma

I.D. No. EDU-27-17-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of sections 100.5 and 100.20 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101(not subdivided), 207(not subdivided), 305(1) and 3308-3318, to implement L. 2014, ch. 328

Subject: Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.

Purpose: To implement ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.

Text of proposed rule:

1. Paragraph (4) of subdivision (a) of section 100.5 of the Regulations of the Commissioner of Education is amended, to read as follows:

(4)(i) [All] *Except as otherwise provided in subparagraph (ii) of this paragraph, all* students shall have earned the equivalent of two units of credit in physical education in accordance with the requirements set forth in section 135.4(c)(2)(ii) of this Title. Such units of credit shall not count towards the required units of credit set forth in paragraphs (1) and (2) of this subdivision for those students who enter grade nine before the 2001-2002 school year. Beginning with the 2001-2002 school year and thereafter, such units of credit in physical education shall count toward the required total. A student who has completed the diploma requirements as set forth in paragraphs (1) and (2) of this subdivision in fewer than eight semesters, and who is otherwise eligible to receive a diploma, shall not be required to continue enrollment in high school for the sole purpose of completing the physical education requirements as set forth in this paragraph. *Any student who has completed eight semesters in a registered New York State high school or a high school outside the registered New York state high school awarding the credits, and who has accumulated the required units of credit in physical education to meet the diploma requirements, shall not be required to continue enrollment in physical education courses for any additional semesters.*

(ii) *Students who enter a registered New York State high school and have completed one or more semesters in a high school outside New York State shall be exempt from the required two units of credit requirement in physical education for a diploma. Instead, such students shall be required to enroll in physical education courses every semester they are in a registered New York State high school, and shall earn 1/4 unit of credit in physical education for each semester completed in a registered New York State high school to meet the diploma requirements.*

2. Subparagraphs (iii) and (iv) of paragraph (5) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended, to read as follows:

(5) Transfer credit. Transfer credit is awarded for work done outside the registered New York State high school awarding the credit.

(i) . . .

(ii) . . .

(iii)(a) . . .

(b) Students who enter a registered New York State high school for the first time in grade 11 in the 2002-2003 school year and thereafter, *or who reenter a registered New York State high school in grade 11 after having been enrolled in a registered New York State high school for three or fewer semesters*, other than those students who have received home instruction pursuant to section 100.10 of this Part in New York State or

who have been enrolled in a registered or non-registered public or nonpublic New York State high school, in order to receive a high school diploma must pass the Regents [Comprehensive Examination] *examination* in English Language Arts, a Regents examination in mathematics, a Regents examination in United States history and government, and a Regents examination in science, or approved alternatives. The principal may exempt such student from the requirement for the Regents examination in global history and geography ordinarily taken and passed before the date of the student's entry. Additionally, for such student who first enters grade 11 in a registered New York State high school, *or who reenter a registered New York State high school in grade 11 after having been enrolled in a registered New York State high school for three or fewer semesters*, in the 2018-2019 school year and thereafter, the principal may exempt the student from the two units of credit requirement in global history and geography by substituting two units of credit in social studies.

(iv)

(a) . . .

(b) Students who enter a registered New York State high school for the first time in grade 12 in the 2004-2005 school year and thereafter, *or who reenter a registered New York State high school in grade 12 after having been enrolled in a registered New York State high school for three or fewer semesters*, other than those students who have received home instruction pursuant to section 100.10 of this Part in New York State or who have been enrolled in a registered or non-registered public or nonpublic New York State high school in order to receive a high school diploma must pass the Regents [Comprehensive] [E]xamination in English, a Regents examination in mathematics, and a Regents examination in United States history and government, or approved alternatives. The principal may exempt such student from the requirement for the Regents examination in science and the Regents examination in global history and geography ordinarily taken and passed before the date of the student's entry. Additionally, for such student who first enters grade 12 in a registered New York State high school in the 2019-2020 school year and thereafter, *or who reenter a registered New York State high school in grade 12 after having been enrolled in a registered New York State high school for three or fewer semesters*, the principal may exempt the student from the two units of credit requirement in global history and geography by substituting two other units of credit in social studies.

3. Section 100.20 of the Regulations of the Commissioner of Education shall be added, to read as follows:

§ 100.20 Graduation and Diploma Requirements for Students Covered Under the Interstate Compact on Educational Opportunity for Military Children

(a) *Notwithstanding any other provision of law or regulation to the contrary, in order to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents, school districts and charter schools that receive public funding and serve students of active duty military families who are formally enrolled in kindergarten through twelfth grade shall comply with the provisions of Education Law § 3300-3307 and this section relating to educational records, enrollment, placement decisions, excused absences, residency determinations and graduation requirements.*

(b) For purposes of this section:

(1) Military children shall mean those children for which the "interstate compact on educational opportunity for military children" applies as set forth in Education Law § 3303;

(2) Receiving state shall mean New York State, the State to which a child of a military family is sent, brought, or caused to be sent or brought; and

(3) Sending state shall mean the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(c) Graduation and diploma requirements. *Notwithstanding any other provision of law or regulation to the contrary, in accordance with Education Law § 3307(2), a public school district or charter school, shall accept the following to meet the diploma requirements for such students in New York State:*

(1) *exit or end of course examinations required for graduation in the sending state, where the principal from the school in the sending state attests in writing to the principal of the school in the receiving state that the student has achieved a satisfactory passing score on such exam(s) and that he/she has met the proficiency standards for the course(s) assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state;*

(2) *national norm referenced achievement tests, where the principal from the school in the sending state attests in writing that the student has achieved a score equal to or greater than the national grade equivalent corresponding to the grade in which the corresponding Regents examination required for graduation is typically administered; and*

(3) where the principal of the school in the sending state has accepted course credit for a course that would typically culminate in an examination required for graduation in New York State, the principal of the school in the receiving state shall accept any corresponding alternative end of course local examination for such course(s), where the principal from the school in the sending state attests in writing that the student has achieved a score on such exam that meets the proficiency standards for the course assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.

(d) If none of the alternatives in subdivision (c) of this section can be accommodated by the principal of the school in the receiving state for a student transferring into such school at the beginning of or during grade 12, then the principal of the school in the receiving state shall provide written notice to the principal of the school in the sending state which shall include notice that the school district in the sending state shall ensure that the student receives a diploma from the school district in the sending state if the student meets the graduation requirements of the school district in the sending state. In the event that the sending state is not a member of the interstate military compact, the receiving state shall use best efforts to facilitate on-time graduation of the student using the exams described in subdivision (c) of this section.

Text of proposed rule and any required statements and analyses may be obtained from: Kirti Goswami, State Education Department, Office of Counsel, 89 Washington Avenue, Room 142, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Data, views or arguments may be submitted to: Angelica Infante, State Education Department, 89 Washington Avenue, Room 875 EBA, Albany, NY 12234, (518) 408-1189, email: REGCOMMENTS@NYSED.GOV

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law 101 sets forth the responsibilities of the Education Department and the Board of Regents.

Education Law 207(not subdivided) grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

Education Law 305(1) authorizes the Commissioner to enforce all general and special laws relating to the educational system of the state and execute all educational policies determined upon by the Board of Regents.

Education Law § 3300-3318 of the Education Law, as amended by Chapter 328 of the Laws of 2014 sets forth the requirements for the Interstate Compact for Military Children.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment implements Chapter 328 of the Laws of 2014 entitled the Interstate Compact on Educational Opportunity for Military Children. The purpose of the law is to remove barriers to educational success faced by children of military families because of frequent moves and deployment of their parents.

3. NEEDS AND BENEFITS:

Educational Records, Enrollment and Immunizations

Education Law § 3304, as added by Chapter 328 of the Laws of 2014, provides that if official education records cannot be released to the parents for purposes of transferring to another school, the custodian of the records in the sending state shall prepare and furnish to the parent a set of unofficial records. Upon receipt of the unofficial records by the school in the receiving state, the student must be enrolled and placement decisions must be made in accordance with the information on unofficial records and then later validated. It also requires that states that enter into the interstate compact, including New York State, give families 30 days from the date of enrollment to obtain any immunizations required by the receiving state.

Placement Decisions

Education Law § 3305, as added by Chapter 328 of the Laws of 2014, requires that when a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and there is space available as determined by the local educational agency. It also requires the receiving school to initially honor placement of the student in programs based on current educational assessments conducted in the sending school state or participation/placement in like programs in the sending state, including but not limited to gifted and talented programs and English as a second language. It further provides school districts with flexibility to waive course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the school district.

Residency Determinations

Education Law § 3306, as added by Chapter 328 of the Laws of 2014,

requires that a properly executed special power of attorney (in New York, a special designation of person in parental relation pursuant to General Obligations Law), shall be considered sufficient for the sole purpose of establishing residency of a transferring student into a public school district and for all other actions in the school district requiring parental participation and consent. A transitioning child placed in the care of such a person may continue to attend the school in New York within which he or she was enrolled while residing with the custodial parent until the child completes the highest grade level in such school.

Graduation Requirements

Education Law § 3307, as added by Chapter 328 of the Laws of 2014, requires local educational agencies (LEA) to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another LEA or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. Section 3307(2) of Education Law also requires states to accept (a) exit or end of course exams required for graduation from the sending state; (b) national norm referenced achievement tests; and (c) alternative testing, in lieu of testing requirements for graduation in the receiving state.

Proposed Regulatory Amendments

In accordance with Chapter 328 of the Laws of 2014, the Department recommends creating a new section 100.20 of the Commissioner's Regulations to make it clear that notwithstanding any other provision of law or regulation to the contrary, school districts and charter schools shall comply with the provisions of Education Law § 3300-3318 relating to educational records, enrollment, placement decisions, excused absences, residency determinations and graduation requirements for military students covered under the new law.

Moreover, the proposed amendment provides that, a public school district or charter school shall accept the following to meet the diploma requirements for such students in New York State:

(1) exit or end of course examinations required for graduation in the sending state, where the principal from the school in the sending state attests in writing to the principal of the school in the receiving state that the student has achieved a satisfactory passing score on such exam(s) and that he/she has met the proficiency standards for the course(s) assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state;

(2) national norm referenced achievement tests, where the principal from the school in the sending state attests in writing that the student has achieved a score equal to or greater than the national grade equivalent corresponding to the grade in which the corresponding Regents examination required for graduation is typically administered; and

(3) where the principal of the school in the sending state has accepted course credit for a course that would typically culminate in an examination required for graduation in New York State, the principal of the school in the receiving state shall accept any corresponding alternative end of course local examination for such course(s), where the principal from the school in the sending state attests in writing that the student has achieved a score on such exam that meets the proficiency standards for the course assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.

If none of the alternatives outlined above can be accommodated by the principal of the school in the receiving state for a student transferring into such school at the beginning of or during grade 12, then the principal of the school in the receiving state shall provide written notice to the principal of the school in the sending state which shall include notice that the school district in the sending state shall ensure that the student receives a diploma from the school district in the sending state if the student meets the graduation requirements of the school district in the sending state. In the event that the sending state is not a member of the interstate military compact, the receiving state shall use best efforts to facilitate on-time graduation of the student using the exams described above.

In addition, the proposed amendment would stipulate that all students, including students of military families, who spent three or fewer semesters in a New York State school prior to returning to a New York school in grade 11 or later, would also be subject to the existing assessment exemptions for Global History and Geography and Science outlined in the current regulation.

Physical Education Requirements

Currently, the diploma requirements require that a student complete 2 units of credit in Physical Education (PE) and that students participate in PE every semester they are enrolled in school, even if they have met the required 2 credits and remain in school beyond their senior year. Accord-

ing to the 2016 Shape the Nation Report published by the Society of Health and Physical Education, 9 states require ½ credit in PE, 19 states require 1 credit, 5 states require 1.5 credits and only 4 states require 2 credits in PE.

Students who transfer to New York high schools part way through high school are finding themselves severely under credited in PE because their sending state did not require instruction in PE every semester. This often results in, at best, course selections being impacted due to the necessity to enroll in 2 or 3 PE courses each semester to catch up, or at worst, students not graduating on time.

Therefore, the Department further proposes a revision to section 100.5(d)(5) of Commissioner's Regulations to allow all students (not just students of military families), who transfer into a registered New York state high school from another state, to be exempt from the required two units of credit requirement in physical education to meet the diploma requirements. Instead, such students shall be required to enroll in physical education courses every semester they are in a registered New York State high school, and shall earn ¼ unit of credit for each semester of physical education completed in a registered New York State high school to meet the diploma requirements.

The Department further proposes an amendment to allow students who have earned the required number of credits in physical education to meet the diploma requirements, but may need more than 8 semesters to graduate due to other course or assessment deficiencies, to be permitted to stop enrolling in physical education courses. Often students need to return beyond their senior year to make up a failed course or attend preparatory sessions to pass failed assessments, and the current regulation requires these students to enroll in physical education courses for those semesters as well, even though they have met the required number of diploma credits for graduation. The proposed amendment will eliminate this requirement.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government, including institutions of higher education.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government.

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

The proposed amendment does not duplicate existing State or Federal requirements, it implements Chapter 494 of the Laws of 2016 which expands the types of expense categories that colleges and universities participating in HEOP may spend funds and makes technical amendments to update language and conform to current practice.

8. ALTERNATIVES:

No alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be presented for permanent adoption at the September 2017 Regents meeting and will take effect as a permanent rule on September 28, 2017.

Regulatory Flexibility Analysis

(a) Small businesses:

The purpose of the proposed amendment is to implement Chapter 328 of the Laws of 2014 relating to the Interstate Compact for Military Children and to make amendments to the physical education requirements for individuals who transfer to a New York State school from an out of state school.

The proposed amendments do not impose any new recordkeeping or other compliance requirements on small businesses, and will not have an adverse economic impact on small businesses. Because it is evident from the nature of the rule that it does not affect small businesses, no further steps were needed to ascertain that fact and one were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment affects school districts and charter schools.

2. COMPLIANCE REQUIREMENTS:

Educational Records, Enrollment and Immunizations

Education Law § 3304, as added by Chapter 328 of the Laws of 2014, provides that if official education records cannot be released to the parents for purposes of transferring to another school, the custodian of the records

in the sending state shall prepare and furnish to the parent a set of unofficial records. Upon receipt of the unofficial records by the school in the receiving state, the student must be enrolled and placement decisions must be made in accordance with the information on unofficial records and then later validated. It also requires that states that enter into the interstate compact, including New York State, give families 30 days from the date of enrollment to obtain any immunizations required by the receiving state.

Placement Decisions

Education Law § 3305, as added by Chapter 328 of the Laws of 2014, requires that when a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and there is space available as determined by the local educational agency. It also requires the receiving school to initially honor placement of the student in programs based on current educational assessments conducted in the sending school state or participation/placement in like programs in the sending state, including but not limited to gifted and talented programs and English as a second language. It further provides school districts with flexibility to waive course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the school district.

Residency Determinations

Education Law § 3306, as added by Chapter 328 of the Laws of 2014, requires that a properly executed special power of attorney (in New York, a special designation of person in parental relation pursuant to General Obligations Law), shall be considered sufficient for the sole purpose of establishing residency of a transferring student into a public school district and for all other actions in the school district requiring parental participation and consent. A transitioning child placed in the care of such a person may continue to attend the school in New York within which he or she was enrolled while residing with the custodial parent until the child completes the highest grade level in such school.

Graduation Requirements

Education Law § 3307, as added by Chapter 328 of the Laws of 2014, requires local educational agencies (LEA) to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another LEA or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. Section 3307(2) of Education Law also requires states to accept (a) exit or end of course exams required for graduation from the sending state; (b) national norm referenced achievement tests; and (c) alternative testing, in lieu of testing requirements for graduation in the receiving state.

Assessment Requirements

The assessment requirements for a Regents or local diploma call for 1 Regents examination in each discipline (ELA, Math, Science, Social Studies) and 1 Pathway option. The pathway provisions and the existing waiver of certain exams based upon a student's entrance date (students who transfer in grade 11 are exempt from the Global History and Geography Regents examination; students who transfer in grade 12 are exempt from the Global and Science Regents examinations), do provide some flexibility in meeting the requirements. This provision however, does not apply to students who spend as little as 1 day enrolled in a New York State high school prior to grade 11. The exemption provisions currently in place only cover a student who enters a New York high school for the first time in grade 11. Students of military families often transition in and out of the state multiple times in a 4 year period.

In addition, a transfer student may have taken a comparable course in a subject leading to a Regents exam years earlier in their sending school. Upon entry into a New York high school, students often need to schedule review classes or retake courses in order to prepare for an assessment covering instruction they completed earlier in their high school career.

Proposed Regulatory Amendments

In accordance with Chapter 328 of the Laws of 2014, the Department recommends creating a new section 100.20 of the Commissioner's Regulations to make it clear that notwithstanding any other provision of law or regulation to the contrary, school districts and charter schools shall comply with the provisions of Education Law § § 3300-3318 relating to educational records, enrollment, placement decisions, excused absences, residency determinations and graduation requirements for military students covered under the new law.

Moreover, the proposed amendment provides that, a public school district or charter school shall accept the following to meet the diploma requirements for such students in New York State:

(1) exit or end of course examinations required for graduation in the sending state, where the principal from the school in the sending state attests in writing to the principal of the school in the receiving state that the student has achieved a satisfactory passing score on such exam(s) and that

he/she has met the proficiency standards for the course(s) assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state;

(2) national norm referenced achievement tests, where the principal from the school in the sending state attests in writing that the student has achieved a score equal to or greater than the national grade equivalent corresponding to the grade in which the corresponding Regents examination required for graduation is typically administered; and

(3) where the principal of the school in the sending state has accepted course credit for a course that would typically culminate in an examination required for graduation in New York State, the principal of the school in the receiving state shall accept any corresponding alternative end of course local examination for such course(s), where the principal from the school in the sending state attests in writing that the student has achieved a score on such exam that meets the proficiency standards for the course assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.

If none of the alternatives outlined above can be accommodated by the principal of the school in the receiving state for a student transferring into such school at the beginning of or during grade 12, then the principal of the school in the receiving state shall provide written notice to the principal of the school in the sending state which shall include notice that the school district in the sending state shall ensure that the student receives a diploma from the school district in the sending state if the student meets the graduation requirements of the school district in the sending state. In the event that the sending state is not a member of the interstate military compact, the receiving state shall use best efforts to facilitate on-time graduation of the student using the exams described above.

In addition, the proposed amendment would stipulate that all students, including students of military families, who spent three or fewer semesters in a New York State school prior to returning to a New York school in grade 11 or later, would also be subject to the existing assessment exemptions for Global History and Geography and Science outlined in the current regulation.

Physical Education Requirements

Currently, the diploma requirements require that a student complete 2 units of credit in Physical Education (PE) and that students participate in PE every semester they are enrolled in school, even if they have met the required 2 credits and remain in school beyond their senior year. According to the 2016 Shape the Nation Report published by the Society of Health and Physical Education, 9 states require ½ credit in PE, 19 states require 1 credit, 5 states require 1.5 credits and only 4 states require 2 credits in PE.

Students who transfer to New York high schools part way through high school are finding themselves severely under credited in PE because their sending state did not require instruction in PE every semester. This often results in, at best, course selections being impacted due to the necessity to enroll in 2 or 3 PE courses each semester to catch up, or at worst, students not graduating on time.

Therefore, the Department further proposes a revision to section 100.5(d)(5) of Commissioner's Regulations to allow all students (not just students of military families), who transfer into a registered New York state high school from another state, to be exempt from the required two units of credit requirement in physical education to meet the diploma requirements. Instead, such students shall be required to enroll in physical education courses every semester they are in a registered New York State high school, and shall earn ¼ unit of credit for each semester of physical education completed in a registered New York State high school to meet the diploma requirements.

The Department further proposes an amendment to allow students who have earned the required number of credits in physical education to meet the diploma requirements, but may need more than 8 semesters to graduate due to other course or assessment deficiencies, to be permitted to stop enrolling in physical education courses. Often students need to return beyond their senior year to make up a failed course or attend preparatory sessions to pass failed assessments, and the current regulation requires these students to enroll in physical education courses for those semesters as well, even though they have met the required number of diploma credits for graduation. The proposed amendment will eliminate this requirement.

3. PROFESSIONAL SERVICES:

The proposed amendment does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

There are no additional costs imposed on local governments beyond those imposed by statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any additional technological requirements on districts or BOCES.

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment implements Chapter 328 of the Laws of 2014. Therefore, no alternatives were considered with respect to the amendments made to section 100.20 of the Commissioner's regulations. With respect to the amendments made to 100.5 of the Commissioner's regulations, the Department believes the changes to the physical education requirements and to the transfer credits for certain assessments minimizes adverse impact on children transferring to New York from another state.

7. LOCAL GOVERNMENT PARTICIPATION:

Copies of the rule have been provided to District Superintendents with the request that they distribute them to school districts within their supervisory districts for review and comment. Copies were also provided for review and comment to the chief school officers of the five big city school districts and to charter schools.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

This proposed amendment applies to all school districts and charter schools located in the State, including those in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

Educational Records, Enrollment and Immunizations

Education Law § 3304, as added by Chapter 328 of the Laws of 2014, provides that if official education records cannot be released to the parents for purposes of transferring to another school, the custodian of the records in the sending state shall prepare and furnish to the parent a set of unofficial records. Upon receipt of the unofficial records by the school in the receiving state, the student must be enrolled and placement decisions must be made in accordance with the information on unofficial records and then later validated. It also requires that states that enter into the interstate compact, including New York State, give families 30 days from the date of enrollment to obtain any immunizations required by the receiving state.

Placement Decisions

Education Law § 3305, as added by Chapter 328 of the Laws of 2014, requires that when a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and there is space available as determined by the local educational agency. It also requires the receiving school to initially honor placement of the student in programs based on current educational assessments conducted in the sending state or participation/placement in like programs in the sending state, including but not limited to gifted and talented programs and English as a second language. It further provides school districts with flexibility to waive course or program prerequisites, or other preconditions for placement in courses or programs offered under the jurisdiction of the school district.

Residency Determinations

Education Law § 3306, as added by Chapter 328 of the Laws of 2014, requires that a properly executed special power of attorney (in New York, a special designation of person in parental relation pursuant to General Obligations Law), shall be considered sufficient for the sole purpose of establishing residency of a transferring student into a public school district and for all other actions in the school district requiring parental participation and consent. A transitioning child placed in the care of such a person may continue to attend the school in New York within which he or she was enrolled while residing with the custodial parent until the child completes the highest grade level in such school.

Graduation Requirements

Education Law § 3307, as added by Chapter 328 of the Laws of 2014, requires local educational agencies (LEA) to waive specific courses required for graduation if similar coursework has been satisfactorily completed in another LEA or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the LEA shall provide an alternative means of acquiring required coursework so that graduation may occur on time. Section 3307(2) of Education Law also requires states to accept (a) exit or end of course exams required for graduation from the sending state; (b) national norm referenced achievement tests; and (c) alternative testing, in lieu of testing requirements for graduation in the receiving state.

Assessment Requirements

The assessment requirements for a Regents or local diploma call for 1 Regents examination in each discipline (ELA, Math, Science, Social Studies) and 1 Pathway option. The pathway provisions and the existing waiver of certain exams based upon a student's entrance date (students who transfer in grade 11 are exempt from the Global History and Geography Regents examination; students who transfer in grade 12 are exempt from the Global and Science Regents examinations), do provide some flexibility in meeting the requirements. This provision however, does not ap-

ply to students who spend as little as 1 day enrolled in a New York State high school prior to grade 11. The exemption provisions currently in place only cover a student who enters a New York high school for the first time in grade 11. Students of military families often transition in and out of the state multiple times in a 4 year period.

In addition, a transfer student may have taken a comparable course in a subject leading to a Regents exam years earlier in their sending school. Upon entry into a New York high school, students often need to schedule review classes or retake courses in order to prepare for an assessment covering instruction they completed earlier in their high school career.

Proposed Regulatory Amendments

In accordance with Chapter 328 of the Laws of 2014, the Department recommends creating a new section 100.20 of the Commissioner's Regulations to make it clear that notwithstanding any other provision of law or regulation to the contrary, school districts and charter schools shall comply with the provisions of Education Law § 3300-3318 relating to educational records, enrollment, placement decisions, excused absences, residency determinations and graduation requirements for military students covered under the new law.

Moreover, the proposed amendment provides that, a public school district or charter school shall accept the following to meet the diploma requirements for such students in New York State:

(1) exit or end of course examinations required for graduation in the sending state, where the principal from the school in the sending state attests in writing to the principal of the school in the receiving state that the student has achieved a satisfactory passing score on such exam(s) and that he/she has met the proficiency standards for the course(s) assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state;

(2) national norm referenced achievement tests, where the principal from the school in the sending state attests in writing that the student has achieved a score equal to or greater than the national grade equivalent corresponding to the grade in which the corresponding Regents examination required for graduation is typically administered; and

(3) where the principal of the school in the sending state has accepted course credit for a course that would typically culminate in an examination required for graduation in New York State, the principal of the school in the receiving state shall accept any corresponding alternative end of course local examination for such course(s), where the principal from the school in the sending state attests in writing that the student has achieved a score on such exam that meets the proficiency standards for the course assessed in the sending state; provided that, prior to accepting such exam(s), the principal of the school in the receiving state may request additional information regarding the course(s) and exam(s) from the principal of the school in the sending state.

If none of the alternatives outlined above can be accommodated by the principal of the school in the receiving state for a student transferring into such school at the beginning of or during grade 12, then the principal of the school in the receiving state shall provide written notice to the principal of the school in the sending state which shall include notice that the school district in the sending state shall ensure that the student receives a diploma from the school district in the sending state if the student meets the graduation requirements of the school district in the sending state. In the event that the sending state is not a member of the interstate military compact, the receiving state shall use best efforts to facilitate on-time graduation of the student using the exams described above.

In addition, the proposed amendment would stipulate that all students, including students of military families, who spent three or fewer semesters in a New York State school prior to returning to a New York school in grade 11 or later, would also be subject to the existing assessment exemptions for Global History and Geography and Science outlined in the current regulation.

Physical Education Requirements

Currently, the diploma requirements require that a student complete 2 units of credit in Physical Education (PE) and that students participate in PE every semester they are enrolled in school, even if they have met the required 2 credits and remain in school beyond their senior year. According to the 2016 Shape the Nation Report published by the Society of Health and Physical Education, 9 states require ½ credit in PE, 19 states require 1 credit, 5 states require 1.5 credits and only 4 states require 2 credits in PE.

Students who transfer to New York high schools part way through high school are finding themselves severely under credited in PE because their sending state did not require instruction in PE every semester. This often results in, at best, course selections being impacted due to the necessity to enroll in 2 or 3 PE courses each semester to catch up, or at worst, students not graduating on time.

Therefore, the Department further proposes a revision to section 100.5(d)(5) of Commissioner's Regulations to allow all students (not just

students of military families), who transfer into a registered New York state high school from another state, to be exempt from the required two units of credit requirement in physical education to meet the diploma requirements. Instead, such students shall be required to enroll in physical education courses every semester they are in a registered New York State high school, and shall earn ¼ unit of credit for each semester of physical education completed in a registered New York State high school to meet the diploma requirements.

The Department further proposes an amendment to allow students who have earned the required number of credits in physical education to meet the diploma requirements, but may need more than 8 semesters to graduate due to other course or assessment deficiencies, to be permitted to stop enrolling in physical education courses. Often students need to return beyond their senior year to make up a failed course or attend preparatory sessions to pass failed assessments, and the current regulation requires these students to enroll in physical education courses for those semesters as well, even though they have met the required number of diploma credits for graduation. The proposed amendment will eliminate this requirement.

The proposed amendment does not require any reporting, recordkeeping or other professional services to comply.

3. COSTS:

The proposed amendment does not impose any costs beyond those imposed by statute.

4. MINIMIZING ADVERSE IMPACT:

The purpose of the proposed amendment is to implement Chapter 328 of the Laws of 2014 relating to the Interstate Compact for Military Children and to make amendments to the physical education requirements for individuals who transfer to a New York State school from an out of state school. No alternatives were considered and there should be no adverse impact from the proposed amendment.

5. RURAL AREA PARTICIPATION:

Copies of the proposed amendment have been provided to Rural Advisory Committee for review and comment.

Job Impact Statement

The purpose of the proposed amendment is to implement Chapter 328 of the Laws of 2014 relating to the Interstate Compact for Military Children and to make amendments to the physical education requirements for individuals who transfer to a New York State school from an out of state school.

Because it is evident from the nature of the proposed amendment that it will have no impact on the number of jobs or employment opportunities in New York State, and no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Repeal 6 NYCRR Part 500 and Amend/Repeal References to Parts 750-758

I.D. No. ENV-27-17-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to repeal Part 500; and amend Parts 371, 373, 380, 598, 599, 608, 700, 702 and 703 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, arts. 17 and 36

Subject: Repeal 6 NYCRR Part 500 and Amend/Repeal references to Parts 750-758.

Purpose: To correct or remove outdated references in the Department's regulations.

Text of proposed rule: Title 6 of the New York Codes, Rules, and Regulations (NYCRR) is amended as follows:

Part 371, "Identification and Listing of Hazardous Wastes"

Clause 371.1(e)(2)(xiii)(d) is amended to read as follows:

(d) discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the

Federal Clean Water Act and the State Pollution Discharge Elimination System (SPDES), [Parts] Part 750 [through 757] of this Title; and

Part 373, "Hazardous Waste Management Facilities"

Clause 373-1.1(d)(2)(ii)(c) is amended to read as follows:

(c) has a SPDES permit issued under Part [751] 750 of this Title and complies with the conditions of that permit and the requirements of [Parts] Part 750 [through 757] of this Title, State Pollutant Discharge Elimination System; and

The Note after subparagraph 373-2.10(d)(3)(iv) is amended to read as follows:

Note: If the collected material is a hazardous waste under Part 371 of this Title, it is subject to management as a hazardous waste in accordance with all applicable requirements of Parts 370 through 373 of this Title. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of Parts 701, 702, and [752] 750 of this Title. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.

Part 380, "Prevent and Control of Environmental Pollution by Radioactive Materials"

Subdivision 380-3.2(a) is amended to read as follows:

(a) An application for a permit must satisfy the general requirements for complete applications contained in Part 621 of this Title. An application must also satisfy the information requirements in Part 201 for air discharges or [Parts] Part 750 [-758] for discharges to water where permits are required pursuant to these Parts, in addition to the general requirements under Part 621.

Part 500, entitled "Floodplain Management Regulations Development Permits," is repealed.

Part 598, "Handling and Storage of Hazardous Substances"

Section 598.3 is amended to read as follows:

Any tank system susceptible to inundation by water from any source must be adequately anchored to prevent flotation, collapse, or lateral movement that might be caused by hydrodynamic and hydrostatic loads, including the effect of buoyancy. Tanks must be designed, installed and maintained in accordance with operating standards set forth in NFPA No. 30, section 2-6.6 (see section 598.1 of this Part) and in accordance with State and local flood plain regulations. Dikes in flood plains must be designed and installed to withstand structural damage and overtopping by a 100 year flood. If tanks are ballasted with water during flood warning periods, tank valves and other openings must be closed and secured in a locked position in advance of the flood. Ballast water removed from the tank after the flood must not be discharged to the waters of the State unless such discharge is in conformance with the standards of Parts 701, 702, 703 and 750 [to 758] of this Title, as applicable.

Part 599, "Standards for New Hazardous Substance Tank Systems"

Paragraph 599.9(a)(3) is amended to read as follows:

(3) Stormwater discharges from a secondary containment system must be uncontaminated. Stormwater which is contaminated must be discharged and treated in accordance with department requirements imposed under Parts 701, 702, 703, and 750 [to 758] of this Title, as applicable.

Part 608, "Use and Protection of Waters"

Paragraphs 608.9(a)(1), (3), (4), and (5) are amended to read as follows:

(1) effluent limitations and water quality-related effluent limitations set forth in section [754.1] 750-1.11 of this Title;

(3) standards of performance for new sources set forth in section [754.1] 750-1.11 of this Title;

(4) effluent limitations, effluent prohibitions and pretreatment standards set forth in section [754.1] 750-1.11 of this Title;

(5) prohibited discharges set forth in section [751.2] 750-1.3 of this Title; and

Part 700, "Definitions, Samples and Tests"

Subdivision 700.2(e) is amended to read as follows:

(e) The location at which effluent samples are collected shall be at a point where the effluent emerges from a treatment works, disposal system, outlet or point source, and prior to being discharged to surface water or the ground, unless specified otherwise by a State Pollutant Discharge Elimination System (SPDES) permit issued pursuant to [Parts] Part 750 [-758] of this Title.

Part 702, "Derivation and use of Standards and Guidance Values"

Subdivision 702.20(b) is amended to read as follows:

(b) The department may require the installation and operation of monitoring facilities in order to assure compliance with effluent limitations or to evaluate the effect of the discharge on the quality of the groundwater. Specific monitoring requirements shall be established by the department on a case-by-case basis and as may be required by [Part 756] section 750-1.13 of this Title.

Part 703, "Surface Water and Groundwater Quality Standards and Groundwater Effluent Limitations"

Subdivision 703.6(d) is amended to read as follows:

(d) The groundwater effluent limitations shall be incorporated in SPDES permits (under Part 750 [et seq.] of this Title) for discharges to groundwaters, where applicable.

Text of proposed rule and any required statements and analyses may be obtained from: Michelle Tompkins, NYSDEC - Division of Water, 625 Broadway, Albany, NY 12233-3500, (518) 402-8221, email: Michelle.Tompkins@dec.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Consensus Rule Making Determination

The Department of Environmental Conservation (Department) is proposing to repeal 6 NYCRR Part 500 - Floodplain Management Regulations Development Permits. The statutory authority for Part 500, which came from Environmental Conservation Law Article 36, was repealed by the Legislature in 1992. Part 500 has not been in effect since 1992 and should not appear in the Department's regulations. The Department is proposing to remove it from its regulations to avoid confusing the public.

This rule would also amend citations to 6 NYCRR Parts 750-758 - State Pollutant Discharge Elimination System. Parts 750-758 were repealed in 2003 and consolidated into a new Part 750. However, cross-references to Parts 750-758 were inadvertently left in place in the Department's regulations and are in need of correction. This rule would amend references to Parts 750-758 to reflect the current regulation - Part 750. Part 750 prescribes the procedures and substantive rules for the SPDES program, which has been approved by EPA for the control of wastewater and stormwater discharges to waters of the state.

The provisions of this proposed rulemaking do not involve any discretion by the Department. References in current regulations are inaccurate and in need of updating so that the public will not be confused. For these reasons, the Department has determined that no person is likely to object to this rulemaking.

Job Impact Statement

A Job Impact Statement is not required for this rulemaking because the proposed rule will not have a substantial adverse impact on jobs and employment opportunities. The purpose of this rule is to correct references in 6 NYCRR that are no longer accurate due to prior rulemaking and legislation.

This rule would repeal 6 NYCRR Part 500 - Floodplain Management Regulations Development Permits. The statutory authority for Part 500 was repealed by the Legislature over 20 years ago, but Part 500 was never removed from DEC's regulations. Part 500 no longer has any effect and should be repealed to avoid confusing the public. This rule would also amend citations to 6 NYCRR Parts 750-758 - State Pollutant Discharge Elimination System. Parts 750-758 were repealed in 2003 and consolidated into a new Part 750. However, cross-references to Parts 750-758 were inadvertently left in place in DEC's regulations and are in need of correction. No substantive changes are being made to DEC's regulations in this rulemaking. This rule would amend references to Parts 750-758 to reflect the current regulation - Part 750.

This rulemaking will not result in the loss of any jobs in New York State. Therefore, the Department has determined that a Job Impact Statement is not required.

Department of Financial Services

EMERGENCY RULE MAKING

Public Retirement Systems

I.D. No. DFS-27-17-00003-E

Filing No. 417

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Amendment of Part 136 (Regulation 85) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 314, 7401(a) and 7402(n)

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: The Second Amendment to 11 NYCRR 136 (Insurance Regulation 85), effective November 19, 2008, established new standards of behavior with regard to investment of the assets of the New York State Common Retirement Fund ("Fund"), conflicts of interest, and procurement. In addition, it created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent events surrounding how placement agents conduct business on behalf of their clients with regard to the Fund compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. Rather, only an immediate ban on the use of placement agents will ensure sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

This regulation was previously promulgated on an emergency basis on June 18, 2009, September 16, 2009, January 5, 2010, April 2, 2010, May 28, 2010, July 29, 2010, September 23, 2010, November 19, 2010, January 18, 2011, March 21, 2011, May 19, 2011, August 16, 2011, November 10, 2011, February 7, 2012, May 7, 2012, August 3, 2012, October 31, 2012, January 28, 2013, April 26, 2013, July 24, 2013, October 21, 2013, January 17, 2014, April 16, 2014, July 14, 2014, October 10, 2014, January 7, 2015, April 6, 2015, July 3, 2015, September 30, 2015, December 28, 2015, March 25, 2016, June 22, 2016, September 19, 2016, December 21, 2016, and March 20, 2017.

Subject: Public Retirement Systems.

Purpose: To ban the use of placement agents by investment advisers engaged by the state employees' retirement systems.

Text of emergency rule: Section 136-2.2 is amended to read as follows:

§ 136-2.2 Definitions.

The following words and phrases, as used in this Subpart, unless a different meaning is plainly required by the context, shall have the following meanings:

[(a) Retirement system shall mean the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.]

[(b) Fund shall mean the New York State Common Retirement Fund, a fund in the custody of the Comptroller as trustee, established pursuant to Section 422 of the Retirement and Social Security Law, which holds the assets of the retirement system.]

[(c)](a) Comptroller shall mean the Comptroller of the State of New York in his capacity as administrative head of the Retirement System and the sole trustee of the [fund] Fund.

[(d) OSC shall mean the Office of the State Comptroller.]

[(e)](b) Consultant or advisor shall mean any person (other than an OSC employee) or entity retained by the [fund] Fund to provide technical or professional services to the [fund] Fund relating to investments by the [fund] Fund, including outside investment counsel and litigation counsel, custodians, administrators, broker-dealers, and persons or entities that identify investment objectives and risks, assist in the selection of [money] investment managers, securities, or other investments, or monitor investment performance.

(c) Family member shall mean any person living in the same household as the Comptroller, and any person related to the Comptroller within the third degree of consanguinity or affinity.

(d) Fund shall mean the New York State Common Retirement Fund, a fund in the custody of the Comptroller as trustee, established pursuant to Section 422 of the Retirement and Social Security Law ("RSSL"), which holds the assets of the Retirement System.

[f](e) Investment manager shall mean any person (other than an OSC employee) or entity engaged by the Fund in the management of part or all of an investment portfolio of the [fund] Fund. "Management" shall include, but is not limited to, analysis of portfolio holdings, and the purchase, sale, and lending thereof. For the purposes hereof, any investment made by the Fund pursuant to RSSL § 177(7) shall be deemed to be the investment of the Fund in such investment entity (rather than in the assets of such investment entity).

(f) Investment policy statement shall mean a written document that, consistent with law, sets forth a framework for the investment program of the Fund.

(g) OSC shall mean the Office of the State Comptroller.

[(g)](h) Placement agent or intermediary shall mean any person or entity, including registered lobbyists, directly or indirectly engaged and compensated by an investment manager (other than [an] a regular employee of the investment manager) to promote investments to or solicit

investment by [assist the investment manager in obtaining investments by the fund, or otherwise doing business with] the [fund] Fund, whether compensated on a flat fee, a contingent fee, or any other basis. Regular employees of an investment manager are excluded from this definition unless they are employed principally for the purpose of securing or influencing the decision to secure a particular transaction or investment by the Fund.[obtaining investments or providing other intermediary services with respect to the fund.] For purpose of this paragraph, the term "employee" shall include any person who would qualify as an employee under the federal Internal Revenue Code of 1986, as amended, but shall not include a person hired, retained or engaged by an investment manager to secure or influence the decision to secure a particular transaction or investment by the Fund.

[(h) Investment policy statement shall mean a written document that, consistent with law, sets forth a framework for the investment program of the fund.]

[(i) Third party administrator shall mean any person or entity that contractually provides administrative services to the retirement system, including receiving and recording employer and employee contributions, maintaining eligibility rosters, verifying eligibility for benefits or paying benefits and maintaining any other retirement system records. Administrative services do not include services provided to the fund relating to fund investments.]

(i) Retirement System shall mean the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

(j) Third party administrator shall mean any person or entity that contractually provides administrative services to the Retirement System, including receiving and recording employer and employee contributions, maintaining eligibility rosters, verifying eligibility for benefits, paying benefits or maintaining any other Retirement System records. "Administrative services" do not include services provided to the Fund relating to Fund investments.

[(j)](k) Unaffiliated Person shall mean any person other than: (1) the Comptroller or a family member of the Comptroller, (2) an officer or employee of OSC, (3) an individual or entity doing business with OSC or the [fund] Fund, or (4) an individual or entity that has a substantial financial interest in an entity doing business with OSC or the [fund] Fund. For the purpose of this paragraph, the term "substantial financial interest" shall mean the control of the entity, whereby "control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract (except a commercial contract for goods or non-management services) or otherwise; but no individual shall be deemed to control an entity solely by reason of his being an officer or director of such entity. Control shall be presumed to exist if any individual directly or indirectly owns, controls or holds with the power to vote ten percent or more of the voting securities of such entity.

[(k) Family member shall mean any person living in the same household as the Comptroller, and any person related to the Comptroller within the third degree of consanguinity or affinity.]

Section 136-2.4(d) is amended to read as follows:

(d) Placement agents or intermediaries: In order to preserve the independence and integrity of the [fund] Fund, to [address] preclude potential conflicts of interest, and to assist the Comptroller in fulfilling his or her duties as a fiduciary to the [fund] Fund, [the Comptroller shall maintain a reporting and review system that must be followed whenever the fund] the Fund shall not [engages, hires, invests with, or commits] engage, hire, invest with or commit to[,] an outside investment manager who is using the services of a placement agent or intermediary to assist the investment manager in obtaining investments by the [fund] Fund. [, or otherwise doing business with the fund. The Comptroller shall require investment managers to disclose to the Comptroller and to his or her designee payments made to any such placement agent or intermediary. The reporting and review system shall be set forth in written guidelines and such guidelines shall be published on the OSC public website.]

Section 136-2.5(g) is amended to read as follows:

(g) The Comptroller shall:

(1) file with the superintendent an annual statement in the format prescribed by Section 307 of the Insurance Law, including the [retirement system's] Retirement System's financial statement, together with an opinion of an independent certified public accountant on the financial statement;

(2) file with the superintendent the Comprehensive Annual Financial Report within the time prescribed by law, but no later than the time it is published on the OSC public website;

(3) disclose on the OSC public website, on at least an annual basis, all fees paid by the [fund] Fund to investment managers, consultants or advisors, and third party administrators;

[(4) disclose on the OSC public website, on at least an annual basis,

instances where an investment manager has paid a fee to a placement agent or intermediary;]

[(5)](4) disclose on the OSC public website the [fund's] *Fund's* investment policies and procedures; and

[(6)](5) require fiduciary and conflict of interest reviews of the [fund] *Fund* every three years by a qualified unaffiliated person.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires September 13, 2017.

Text of rule and any required statements and analyses may be obtained from: Mark MacLeod, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-4937, email: mark.macleod@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The Superintendent's authority for the adoption of the rule to 11 NYCRR 136 is derived from sections 202 and 302 of the Financial Services Law ("FSL") and sections 301, 314, 7401(a), and 7402(n) of the Insurance Law.

FSL section 202 establishes the office of the Superintendent and designates the Superintendent to be the head of the Department of Financial Services ("DFS").

FSL section 302 and Insurance Law section 301, in material part, authorize the Superintendent to effectuate any power accorded to him by the Insurance Law, the Banking Law, the Financial Services Law, or any other law of this state and to prescribe regulations interpreting the Insurance Law.

Insurance Law section 314 vests the Superintendent with the authority to promulgate standards with respect to administrative efficiency, discharge of fiduciary responsibilities, investment policies and financial soundness of the public retirement and pension systems of the State of New York, and to make an examination into the affairs of every system at least once every five years in accordance with Insurance Law sections 310, 311 and 312. The implementation of the standards is necessarily through the promulgation of regulations.

As confirmed by the Court of Appeals in *Matter of Dinallo v. DiNapoli*, 9 N.Y. 3d 94 (2007), the Superintendent functions in two distinct capacities. The first is as regulator of the insurance industry. The second is as statutory receiver of financially distressed insurance entities. Article 74 of the Insurance Law sets forth the Superintendent's role and responsibilities in this latter capacity.

Insurance Law section 7401(a) sets forth the entities, including the public retirement systems, to which Article 74 applies.

Insurance Law section 7402(n) provides that it is a ground for rehabilitation if an entity subject to Article 74 has failed or refused to take such steps as may be necessary to remove from office any officer or director whom the Superintendent has found, after appropriate notice and hearing, to be a dishonest or untrustworthy person.

2. Legislative objectives: Insurance Law section 314 authorizes the Superintendent to promulgate and amend, after consultation with the respective administrative heads of public retirement and pension systems and after a public hearing, standards with respect to the public retirement and pension systems of the State of New York.

This rule, which in effect bans the use of an investment tool that has been found to be untrustworthy, is consistent with the public policy objectives that the Legislature sought to advance in enacting Insurance Law section 314, which provides the Superintendent with the powers to promulgate standards to protect the New York State Common Retirement Fund (the "Fund").

3. Needs and benefits: The Second Amendment to 11 NYCRR 136 (Regulation 85), effective November 19, 2008, established new standards with regard to investment of the assets of the Fund, conflicts of interest and procurement. In addition, the Second Amendment created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent allegations regarding "pay to play" practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. The Third Amendment to Regulation 85 will adopt an immediate ban on the use of placement agents to ensure sufficient protection of the Fund's members and beneficiaries, and safeguard the integrity of the Fund's investments. Further, the rule defines "placement agent or intermediary" in a manner that both thwarts evasion of the ban while ensuring that such ban not extend to persons otherwise acting lawfully on behalf of investment managers.

4. Costs: The rule does not impose any additional requirements on the Comptroller, and no additional costs are expected to result from the

implementation of the ban imposed by this rule. There are no costs to the Department or other state government agencies or local governments. Investment managers, consultants and advisors who provide services to the Fund, which are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may lose opportunities to do business with the Fund.

5. Local government mandates: The rule imposes no new programs, services, duties or responsibilities on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: No additional paperwork should result from the prohibition imposed by the rule.

7. Duplication: This rule will not duplicate any existing state or federal rule.

8. Alternatives: The Superintendent considered other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. The Department considered limiting the ban to include intent on the part of the party using placement agents, or defining "placement agent" in more general terms.

In developing the rule, the Superintendent and State Comptroller not only consulted with one another, but also briefed representatives of: (1) New York State and New York City Public Employee Unions; (2) New York City Retirement and Pension Funds; (3) the Borough Presidents of the five counties of New York City; and (4) officials of the New York City Mayor's Office, Comptroller's Office and Finance Department. These entities agreed with the concerns expressed by the Department and intend to explore remedies most appropriate to the pension funds that they represent.

Initially, the Superintendent concluded that only an immediate total ban on the use of placement agents could provide sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments. The proposed rule was published in the State Register on March 17, 2010. A Public Hearing was held on April 28, 2010. The following comments were received:

Blackstone Group, a global investment manager and financial advisor, wrote to oppose the proposed ban on the use of placement agents by investment advisors engaged by the New York State Common Retirement Fund ("The Fund"). It stated that the rule would lessen the number of investment opportunities brought before the Fund, adversely affect small, medium-sized and women- and minority-owned investment firms seeking to do business with the Fund, and adversely affect a number of New York-headquartered financial institutions doing business as placement agents.

Blackstone suggested the inclusion of the following provisions in the rule instead:

- A ban on political contributions by any employee of any placement agent seeking to do business with the Fund;
- A requirement that any placement agent seeking to do business with the Fund be registered as a broker dealer with the SEC and ensure that its professionals have passed the appropriate Series qualifications administered by Financial Industry Regulatory Authority ("FINRA");
- A requirement that any placement agent seeking to do business in New York register with the Department; and
- A requirement that any placement agent representing an investment manager before the Fund fully disclose the contractual arrangement between it and the manager, including the fee arrangement and the scope of services to be provided.

The Securities Industry and Financial Markets Association ("SIFMA"), representing hundreds of securities firms, banks, and asset managers, commented that the proposed rule (1) inadvertently limits the access of smaller fund managers to the Fund; (2) restricts the number and types of advisers that could be utilized by the Fund; (3) creates an inherent conflict between federal and state law that would make it impossible to do business with the Fund while complying with both; and (4) adds duplicative regulation in an area already substantially regulated at the state level and that is primed for further federal regulation through the imminent imposition of a federal pay-to-play regime on all registered broker-dealers acting as placement agents. In addition, SIFMA provided language that it believes would be consistent with the existing federal requirements on the use of placement agents. SIFMA requested that the Department either exclude from the proposed rule those placement agents who are registered as broker-dealers under the Securities Exchange Act of 1934 or delay the enactment of the proposed rule until the federal and state placement agent initiatives are finalized.

The Superintendent did consider other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. The Department considered limiting the ban to include intent on the part of the party using placement agents, or defining "placement agent" in more general terms. At the time, the Superintendent concluded that only an immediate, total ban on the use of placement agents could

provide sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

9. Federal standards: The Securities and Exchange Commission issued a "Pay-To-Play" regulation for financial advisors on July 1, 2010, which may have an impact on the issues addressed in the proposed rule.

10. Compliance schedule: The emergency adoption of this regulation on June 18, 2009 ensured that the ban would become enforceable immediately. The ban needs to remain in effect on an emergency basis until such time as an amended regulation can be made permanent.

Regulatory Flexibility Analysis

1. Effect of the rule: This rule strengthens standards for the management of the New York State and Local Employees' Retirement System and New York State and Local Police and Fire Retirement System (collectively, "the Retirement System"), and the New York State Common Retirement Fund ("the Fund").

The Second Amendment to 11 NYCRR 136 (Insurance Regulation 85), effective November 19, 2008, established new standards with regard to investment of the assets of the Fund, conflicts of interest and procurement. In addition, the Second Amendment created new audit and actuarial committees, and greatly strengthened the investment advisory committee. The Second Amendment also set high ethical standards, strengthened internal controls and governance, enhanced the operational transparency of the Fund, and strengthened supervision by the Department.

Nevertheless, recent allegations regarding "pay to play" practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, compel the Superintendent to conclude that the mere strengthening of the Fund's control environment is insufficient to protect the integrity of the state employees' retirement systems. The Third Amendment to Insurance Regulation 85 will adopt an immediate ban on the use of placement agents to ensure sufficient protection of the Fund's members and beneficiaries, and safeguard the integrity of the Fund's investments. Further, the rule defines "placement agent or intermediary" in a manner that both thwarts evasion of the ban while ensuring that such ban not extend to persons otherwise acting lawfully on behalf of investment managers.

These standards are intended to assure that the conduct of the business of the Retirement System and the Fund, and of the State Comptroller (as administrative head of the Retirement System and as sole trustee of the Fund), are consistent with the principles specified in the rule. Most among all affected parties, the State Comptroller, as a fiduciary whose responsibilities are clarified and broadened, is impacted by the rule. The State Comptroller is not a "small business" as defined in section 102(8) of the State Administrative Procedure Act.

This rule will affect investment managers and other intermediaries (other than OSC employees) who provide technical or professional services to the Fund related to Fund investments. The rule will prohibit investment managers from using the services of a placement agent unless such agent is a regular employee of the investment manager and is acting in a broader capacity than just providing specific investment advice to the Fund. In addition, the rule is also directed to placement agents, who as a result of this rule, will no longer be engaged directly or indirectly by investment managers that do business with the Fund. Some investment managers and placement agents may come within the definition of "small business" set forth in section 102(8) of the State Administrative Procedure Act, because they are independently owned and operated, and employ 100 or fewer individuals.

The rule bans the use of placement agents in connection with investments by the Fund. This may adversely affect the business of placement agents, who will lose opportunities to earn profits in connection with investments by the Fund. Nevertheless, as a result of recent allegations regarding "pay to play" practices, whereby politically connected individuals reportedly sold access to investment opportunities with the Fund, the Superintendent has concluded that an immediate ban on the use of placement agents is necessary to protect the Fund's members and beneficiaries and to safeguard the integrity of the Fund's investments.

This rule will not impose any adverse compliance requirements or result in any adverse impacts on local governments. The basis for this finding is that this rule is directed at the State Comptroller; employees of the Office of State Comptroller; and investment managers, placement agents, consultant or advisors - none of which are local governments.

2. Compliance requirements: None.

3. Professional services: Investment managers, consultants and advisors who provide services to the Fund, and are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may need to employ other professional services.

4. Compliance costs: The rule does not impose any additional requirements on the Comptroller, and no additional costs are expected to result from the implementation of the ban imposed by this rule. There are no costs to the Department of Financial Services or other state government agencies or local governments. However, investment managers, consul-

tant and advisors who provide services to the Fund, which are required to discontinue the use of placement agents in connection with investment services they provide to the Fund, may lose opportunities to do business with the Fund.

5. Economic and technological feasibility: The rule does not impose any economic and technological requirements on affected parties, except for placement agents who will lose the opportunity to earn profits in connection with investments by the Fund.

6. Minimizing adverse impact: The costs to placement agents are lost opportunities to earn profits in connection with investments by the Fund. The Superintendent considered other ways to limit the influence of placement agents, including a partial ban, increased disclosure requirements, and adopting alternative definitions of placement agent or intermediary. But in the end, the Superintendent concluded that only an immediate total ban on the use of placement agents could provide sufficient protection of the Fund's members and beneficiaries and safeguard the integrity of the Fund's investments.

7. Small business and local government participation: In developing the rule, the Superintendent and State Comptroller not only consulted with one another, but also briefed representatives of: (1) New York State and New York City Public Employee Unions; (2) New York City Retirement and Pension Funds; (3) the Borough Presidents of the five counties of New York City; and (4) officials of the New York City Mayor's Office, Comptroller's Office and Finance Department.

A public hearing was held on April 28, 2010. Comments were received from two entities recommending that the total ban on the use of placement agents be modified. The Department will continue to assess the comments that have been received and any others that may be submitted.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Investment managers, placement agents, consultants or advisors that do business in rural areas as defined under State Administrative Procedure Act Section 102(10) will be affected by this rule. The rule bans the use of placement agents in connection with investments by the New York State Common Retirement Fund ("the Fund"), which may adversely affect the business of placement agents and of other entities that utilize placement agents and are involved in Fund investments.

2. Reporting, recordkeeping and other compliance requirements; and professional services: This rule will not impose any reporting, recordkeeping or other compliance requirements on public or private entities in rural areas, with the exception of requiring investment managers, consultants and advisors who provide services to the Fund to discontinue the use of placement agents.

3. Costs: The costs to placement agents are lost opportunities to earn profits in connection with investments by the Fund.

4. Minimizing adverse impact: The rule does not adversely impact rural areas.

5. Rural area participation: A public hearing was held on April 28, 2010. Comments were received from two entities recommending that the total ban on the use of placement agents be modified. The Department will continue to assess the comments that have been received and any others that may be submitted.

Job Impact Statement

The Department of Financial Services finds that this rule will have little or no impact on jobs and employment opportunities. The rule bans investment managers from using placement agents in connection with investments by the New York State Common Retirement Fund ("the Fund"). The rule may adversely affect the business of placement agents, who could lose the opportunity to earn profits in connection with investments by the Fund. Nevertheless, in view of recent events about how placement agents conduct business on behalf of their clients with regard to the Fund, the Superintendent has concluded that an immediate ban on the use of placement agents is necessary to protect the Fund's members and beneficiaries, and to safeguard the integrity of the Fund's investments.

Department of Health

EMERGENCY RULE MAKING

Residential Health Care Facility Quality Pool

I.D. No. HLT-41-16-00002-E

Filing No. 419

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 86-2.42 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 2808(2-c)(d)

Finding of necessity for emergency rule: Preservation of public health.

Specific reasons underlying the finding of necessity: Public Health Law Section 2808(2-c)(d), as enacted by Section 95 of Part H of Chapter 59 of the Laws of 2011, specifically provides the Commissioner of Health with authority to issue emergency regulations in order to compute rates of payment for residential health care facilities. These regulations should be made effective immediately to ensure the preservation of public health through the continued quality of care to nursing home residents in New York State. Of the nursing facilities included in the 2013 quality pool, 58% met performance goals sufficient to receive a distribution of the \$50 million pool. The immediate implementation of these regulations will result in a Medicaid rate increase for these nursing facilities. The facilities can use the additional funds to facilitate quality improvements through activities including, but not limited to, increasing direct care staffing levels, providing training and education for staff, and utilizing technology. Delaying the implementation of these regulations by following the traditional SAPA procedure would prevent nursing facilities from immediately using the funds to improve quality of care for their residents, and thus be contrary to public interest.

Subject: Residential Health Care Facility Quality Pool.

Purpose: To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation.

Substance of emergency rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/emergency>): The New York State Nursing Home Quality Pool (NHQP) is a \$50 million budget-neutral pool that was established in the 2010-2011 final State budget. The pool was created to improve the quality of care for residents in Medicaid-certified nursing facilities across the state, and to reward facilities for quality based on their performance. The New York State Department of Health (NYS DOH) worked in consultation with a workgroup of industry experts, comprised of representatives from five nursing home advocacy groups, as well as nursing home patient advocates to assist in the development of the quality pool.

The 2013 NHQP contains three measurement components comprised of 14 quality measures, three compliance measures, and one efficiency measure. All measures are shown below with the measure steward in parentheses. The measures included in the quality pool were decided upon with input and advice from the workgroup based on expert opinions, industry standards, and quality measure outcomes being assessed at the national level.

Quality Measures

- Annual level of temporary contract/agency staff used (NYS DOH)
- Centers for Medicare and Medicaid Services (CMS) five-star quality rating for staffing (CMS)
 - Percent of employees vaccinated for the flu (NYS DOH)
 - Percent of long stay high risk residents with pressure ulcers (CMS)
 - Percent of long stay residents assessed and given, appropriately, the pneumococcal vaccine (CMS)
 - Percent of long stay residents assessed and given, appropriately, the seasonal influenza vaccine (CMS)
 - Percent of long stay residents experiencing one or more falls with major injury (CMS)
 - Percent of long stay residents who have depressive symptoms (CMS)
 - Percent of long stay low risk residents who lose control of their bowel or bladder (CMS)
 - Percent of long stay residents who lose too much weight (CMS)
 - Percent of long stay residents who received an antipsychotic medication (CMS)

- Percent of long stay residents who self-report moderate to severe pain (CMS)
- Percent of long stay residents whose need for help with daily activities has increased (CMS)
- Percent of long stay residents with a urinary tract infection (CMS)
- Compliance Measures
- CMS Five-Star Quality Rating for Health Inspections (CMS)
- Timely submission of complete nursing home certified cost reports (NYS DOH)
- Timely submission of employee flu immunization data (NYS DOH)
- Efficiency Measure
- Number of potentially avoidable hospitalizations per 10,000 long stay episode days (CMS with NYS DOH modifications)

The NYS DOH assesses the nursing homes on their performance in all components of the NHQP, as compared to their peers. Nursing homes are categorized into quintiles based on the distribution of their overall scores. Under the payment methodology of the 2013 NHQP, eligible nursing homes contribute to the funding of the \$50 million pool. The amount of a nursing home's contribution is proportional to the nursing home's Medicaid rate and total number of Medicaid patient days. The pool money is redistributed to the nursing homes based on their quintile placement. Nursing homes in the top three quintiles receive distributions, with nursing homes in the first quintile receiving a proportion larger than nursing homes in the second and third quintiles, and nursing homes in the second quintile receiving a proportion larger than nursing homes in the third quintile. The nursing homes in the fourth and fifth quintiles do not receive a redistribution.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-41-16-00002-P, Issue of October 12, 2016. The emergency rule will expire August 14, 2017.

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsna@health.ny.gov

Regulatory Impact Statement

Statutory Authority:

The statutory authority for this regulation is contained in Section 2808(2-c) of the Public Health Law (PHL) as enacted by Section 95 of Chapter 59 of the Laws of 2011, which authorizes the Commissioner to promulgate regulations, including emergency regulations, with regard to Medicaid reimbursement rates for residential health care facilities. Such rate regulations are set forth in Subpart 86-2 of Title 10 (Health) of the Official Compilation of Codes, Rules, and Regulations of the State of New York.

Legislative Objectives:

Subpart 86-2 of Title 10 will be amended by adding a new section 86-2.42 to provide for the creation of a quality incentive pool intended to improve the quality of care among nursing home residents in Medicaid-certified facilities, and to reward facilities based on their performance compared to their peers.

The proposed regulation permits the Commissioner to establish benchmarks and measures toward achievement of raising overall quality. Failure to achieve satisfactory progress in accomplishing such benchmarks and goals, as determined by the Commissioner, shall be a basis for declining to award quality incentive dollars to a facility.

Needs and Benefits:

The quality pool is needed to incentivize nursing facilities to maintain and improve the quality of care for their residents. The benefits of the quality pool include improving quality of care and, in turn, reducing overall health care costs. Specific benefits that fall under the umbrella of improving quality of care include reducing the percent of residents with pressure ulcers, reducing antipsychotic medication use, reducing urinary tract infections, reducing depression, reducing pain, reducing unnecessary weight loss, and reducing avoidable hospitalizations. These quality of care improvements are associated with reductions in health care costs and improved quality of life for nursing home residents. The additional reimbursement provided by this adjustment will support the intent of the quality pool. Facilities can use the additional funds to facilitate quality improvements through activities including, but not limited to, increasing direct care staffing levels, providing training and education for staff, and utilizing technology.

Costs:

Costs to Private Regulated Parties:

There will be no additional costs to private regulated parties. The only additional data requested from providers are standard periodic report which are already being completed by providers.

Costs to State Government:

There is no additional aggregate increase in Medicaid expenditures anticipated as a result of these regulations, as the cost of the temporary rate adjustment will be offset by the overall reduction in Medicaid.

Costs to Local Government:

Local districts' share of Medicaid costs is statutorily capped; therefore, there will be no additional costs to local governments as a result of this proposed regulation.

Costs to the Department of Health:

There will be no additional costs to the Department of Health as a result of this proposed regulation.

Local Government Mandates:

The proposed regulation does not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

The proposed regulation does not have any paperwork requirements for nursing facilities.

Duplication:

This is an amendment to an existing State regulation and does not duplicate any existing federal, state or local regulations.

Alternatives:

The authorizing statute, PHL Section 2808(2-c), specifically provides for facilitating quality improvements through the establishment of a nursing home quality pool. Therefore no alternatives were considered. The Department of Health worked in consultation with a workgroup of industry experts, comprised of representatives from five nursing home advocacy groups, as well as nursing home patient advocates to assist in the development of the quality pool. The quality measures included in the quality pool were decided upon with input and advice from the workgroup based on expert opinions, industry standards, available data, and quality measure outcomes being assessed at the national level. During development, the workgroup also provided input on the scoring methods of such quality measure outcomes.

Federal Standards:

The proposed regulation does not exceed any minimum standards of the federal government for the same or similar subject area.

Compliance Schedule:

This rule does not create new compliance or reporting requirements for nursing facilities in New York State.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, record keeping or other compliance requirements on facilities in rural areas. The New York State Nursing Home Quality Pool places no additional reporting requirements on any nursing facility or locality. The data used in the calculation of the quality pool resulting and per diem adjustments are culled from existing data sources including the nursing home cost report (RHCF-4, RHCF-2), data from the DOH Bureau of Immunization, Statewide Planning and Research Cooperative System data, and data from the Centers for Medicare and Medicaid Services.

Job Impact Statement

A Job Impact Statement is not required pursuant to Section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature and purpose of the proposed rule, that it will not have a substantial adverse impact on jobs or employment opportunities. The proposed regulation has no implications for job opportunities.

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Managed Care Organizations

I.D. No. HLT-27-17-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 98-1.11 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4403(2)

Subject: Managed Care Organizations.

Purpose: To amend prior approval requirements pertaining to asset transfers for managed care organizations.

Text of proposed rule: Subdivision (b) of section 98-1.11 is amended to read as follows:

(b) No funds shall be transferred or loaned from the MCO article 44 business to any other business, function or contractor of the MCO, or to any subsidiary or member of the MCO's holding company system or to any member or stockholder without the prior approval of the commissioner and, except in the case of a PHSP, HIV SNP, PCPCP or MLTC, the superintendent. Repayment of any such approved loans, to the extent required, shall be made in accordance with schedules approved by the superintendent and commissioner. Any such transfers or loans shall require a certification by the MCO that such transfer or loan is in compliance with and does not violate any provision of any applicable law or regulation. *However, distributions from an MCO to any member or stockholder shall not be subject to the provisions of this paragraph to the extent that such distribution was for the sole purpose of reimbursing at least one of the members or stockholders for income taxes paid resulting from income received by the MCO, or in the case where one of the members or stockholders is a not-for-profit corporation, the proportionate share of the distribution attributable to each member or stockholder; such a distribution shall be permissible without the prior approval of the commissioner as long as: (i) both prior to and subsequent to the distribution, the MCO has reserves in excess of minimum requirements as prescribed by this Part; and (ii) such distribution is consistent with a tax allocation agreement entered into between the MCO and its members or stockholders.*

(1) No such transfer or loan shall be approved if the net worth of the MCO after the transfer or loan would fall below 12.5 percent of its annual net premium income, and all such transfers and loans must be accompanied by projections submitted by the MCO showing that its net worth shall continue to meet or exceed 12.5 percent of annual net premium income for two calendar years following the transfer or loan.

(2) Notwithstanding the provisions of paragraph (1) of this subdivision, no such proposed transfer or loan made by any MCO that received 75 percent or more of its net premium income from the New York State Medicaid, Family Health Plus, and Child Health Plus programs during the last calendar year shall be approved if the net worth of the MCO after such transfer or loan would fall below 15 percent of its annual net premium revenue, and all such transfers and loans must be accompanied by projections submitted by the MCO showing that its net worth shall continue to meet or exceed 15 percent of annual net premium revenue for two calendar years following the transfer or loan. [In order to ensure the availability of quality health services for an enrolled population, the commissioner may waive the provisions of this paragraph should the proposed transfer of funds or loan be used to purchase a controlling interest, or a substantial portion of the assets, of a MCO certified to operate under article 44 of the Public Health Law.]

(3) *In order to ensure the availability of quality health services for an enrolled population, the commissioner may waive the provisions of paragraphs 98.11(b)(1) and (b)(2) should the proposed transfer of funds or loan be used to purchase a controlling interest, or a substantial portion of the assets, of an MCO certified to operate under article 44 of the Public Health Law.*

Text of proposed rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of House Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

Statutory Authority:

Public Health Law section 4403(2) states the Commissioner may adopt and amend rules and regulations pursuant to the state administrative procedures act to effectuate the purposes and provisions of Article 44, which governs the certification and operational requirements of Managed Care Organizations (MCOs).

Legislative Objectives:

10 NYCRR 98 was amended in 2005 to implement the provisions of Article 44 of the Public Health Law. The proposed amendments to § 98-1.11(b) specify criteria to be used to evaluate requests for approval of asset transfers and loans proposed by MCOs. This rulemaking is in accordance with the legislative objectives of Article 44 of the Public Health Law.

Needs and Benefits:

The current regulation requires that the Department of Health (DOH) and the Superintendent of the Department of Financial Services (DFS), if applicable, approve any proposed transfers and loans of a MCO's admitted assets. The proposed regulation would exempt from this prior approval requirement any distribution from an MCO to members or stockholders where the distribution was made for the sole purpose of reimbursing at least one of the members or stockholders for income taxes paid by the member or stockholder as a consequence of income received by the MCO.

In cases where the prior approval of a loan or transfer is necessary, the current regulation requires as a condition of such approval that the net worth of the MCO after the loan or transfer will not fall below 12.5 percent of its annual net premium income or, in the case of an MCO that receives 75 percent or more of its net premium income from managed care programs sponsored by New York State (e.g. Medicaid and Child Health Plus), that the net worth will not fall below 15 percent of its annual net premium income. The proposed regulation would allow the Commissioner to waive these requirements if the purpose of the proposed loan or transfer of funds is to purchase a controlling interest, or a substantial portion of the assets, of another MCO; this would give the Commissioner flexibility to approve asset transfers when the acquisition of an MCO by another MCO is desirable to maintain insurance coverage for an enrolled population.

Costs:

The amended regulation imposes no compliance costs on state or local governments. There will be no additional costs incurred by the Health Department or by the MCOs.

Local Government Mandates:

The regulation imposes no new programs, services, duties or responsibilities on any county, city, town, village, school district, fire district or other special district.

Paperwork:

Paperwork associated with filings to DOH or Department of Financial Services should be minimal and would be no more substantial than the current regulation.

Duplication:

These regulations do not duplicate, overlap, or conflict with existing State and federal regulations.

Alternatives:

If DOH chose to maintain the status quo and not amend the regulation, the Commissioner would not have flexibility to approve some asset transfers by a MCO for the purpose of a merger or acquisition.

Federal Standards:

The rule does not exceed any minimum standards of the Federal government for the same or similar subject area.

Compliance Schedule:

Managed care organizations should be able to comply with the proposed regulations when they become effective.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on facilities in rural areas, and it does not impose reporting, record keeping or other compliance requirements on facilities in rural areas.

Job Impact Statement

A Job Impact Statement for these amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

Higher Education Services Corporation

EMERGENCY RULE MAKING

New York State Achievement and Investment in Merit Scholarship (NY-AIMS)

I.D. No. ESC-27-17-00001-E

Filing No. 415

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 2201.16 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 669-g

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students beginning with the fall 2015 term, which generally starts in August. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible scholarship applicants. The statute provides New York high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in New York State. Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17. Decisions on applications for this Program are made prior to the beginning of the term. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately so that students can make informed choices and in order for HESC to process scholarship applications in a timely manner. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Purpose: To implement The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

Text of emergency rule: New section 2201.16 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.16 The New York State Achievement and Investment in Merit Scholarship (NY-AIMS).

(a) Definitions. As used in section 669-g of the Education Law and this section, the following terms shall have the following meanings:

(1) "Good academic standing" shall have the same meaning as set forth in section 665(6) of the education law.

(2) "Grade point average" shall mean the student's numeric grade calculated on the standard 4.0 scale.

(3) "Program" shall mean The New York State Achievement and Investment in Merit Scholarship codified in section 669-g of the education law.

(4) "Unmet need" for the purpose of determining priority shall mean the cost of attendance, as determined for federal Title IV student financial aid purposes, less all federal, State, and institutional higher education aid and the expected family contribution based on the federal formula.

(b) Eligibility. An applicant must:

(1) have graduated from a New York State high school in the 2014-15 academic year or thereafter; and

(2) enroll in an approved undergraduate program of study in a public or private not-for-profit degree granting post-secondary institution located in New York State beginning in the two thousand fifteen-sixteen academic year or thereafter; and

(3) have achieved at least two of the following during high school:

(i) Graduated with a grade point average of 3.3 or above;

(ii) Graduated with a “with honors” distinction on a New York State regents diploma or receive a score of 3 or higher on two or more advanced placement examinations; or

(iii) Graduated within the top fifteen percent of their high school class, provided that actual class rank may be taken into consideration; and

(4) satisfy all other requirements pursuant to section 669-g of the education law; and

(5) satisfy all general eligibility requirements provided in section 661 of the education law including, but not limited to, full-time attendance, good academic standing, residency and citizenship.

(c) Distribution and priorities. In each year, new awards made shall be proportionate to the total new applications received from eligible students enrolled in undergraduate study at public and private not-for-profit degree granting institutions. Distribution of awards shall be made in accordance with the provisions contained in section 669-g(3)(a) of the education law within each sector. In the event that there are more applicants who have the same priority than there are remaining scholarships or available funding, awards shall be made in descending order based on unmet need established at the time of application. In the event of a tie, distribution shall be made by means of a lottery or other form of random selection.

(d) Administration.

(1) Applicants for an award shall apply for program eligibility at such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.

(2) Recipients of an award shall:

(i) request payment annually at such times, on forms and in a manner specified by the corporation;

(ii) receive such awards for not more than four academic years of undergraduate study, or five academic years if the program of study normally requires five years as defined by the commissioner pursuant to Article 13 of the education law; and

(iii) provide any information necessary for the corporation to determine compliance with the program's requirements.

(e) Awards.

(1) The amount of the award shall be determined in accordance with section 669-g of the education law.

(2) Disbursements shall be made annually to institutions on behalf of recipients.

(3) Awards may be used to offset the recipient's total cost of attendance determined for federal Title IV student financial aid purposes or may be used in addition to such cost of attendance.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire September 13, 2017.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer The New York State Achievement and Investment in Merit Scholarship (NY-AIMS), hereinafter referred to as "Program", is codified within Article 14 of the Education Law. In particular, Part Z of Chapter 56 of the Laws of 2015 created the Program by adding a new section 669-g to the Education Law. Subdivision 6 of section 669-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly

carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 669-g to create The New York State Achievement and Investment in Merit Scholarship (NY-AIMS). The objective of this Program is to grant merit-based scholarship awards to New York State high school graduates who achieve academic excellence.

Needs and benefits:

The cost to attain a postsecondary degree has increased significantly over the years; alongside this growth, the financing of that degree has become increasingly challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. All federal student financial aid and a majority of state student financial aid programs are conditioned on economic need. Despite stagnant growth in household incomes, there continues to be far fewer academically-based financial aid programs, which are awarded to students regardless of assets or income. This has resulted in more limited financial aid options for those who are ineligible for need-based aid. Concurrently, greater numbers of students are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with student loan debt averaging \$29,400. Many of these students feel burdened by their college loan debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement.

This Program cushions the disparate growth in the cost of a postsecondary education by providing New York State high school graduates who excel academically with merit-based scholarships to support their cost of attendance at any college or university located in the State for up to four years of undergraduate study (or five years if enrolled in a five-year program). Five thousand awards, of \$500 each, will be granted annually in 2015-16 and 2016-17.

Costs:

a. It is anticipated that there will be no new costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is \$2.5 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to financial aid professionals with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 669-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government and efforts were made to align it with similar federal subject areas as evidenced by the adoption of the federal definitions/methodology concerning unmet need, expected family contribution, and cost of attendance.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local

governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State, which benefits rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.16 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that provides merit-based scholarships to students who pursue their undergraduate degree at any college or university located in New York State. Providing students with direct financial assistance will encourage them to attend college in New York State and possibly seek employment opportunities in the State as well, which will benefit the State.

EMERGENCY RULE MAKING

New York State Get on Your Feet Loan Forgiveness Program

I.D. No. ESC-27-17-00002-E

Filing No. 416

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: Addition of section 2201.15 to Title 8 NYCRR.

Statutory authority: Education Law, sections 653, 655 and 679-g

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: This statement is being submitted pursuant to subdivision (6) of section 202 of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

This regulation implements a statutory student financial aid program providing for awards to be made to students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter. Emergency adoption is necessary to avoid an adverse impact on the processing of awards to eligible applicants. The statute provides for student loan relief to such college graduates who continue to live in New York State upon graduation, earn less than \$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or Income Based Repayment (IBR) program, which cap a federal student loan borrower's payments at 10 percent of discretionary income, and apply for this program within two years after graduating from college. Eligible applicants will have up to twenty-four payments made on their behalf towards their federal income-based repayment plan commitment. For those students who graduated in December 2014, their first student

loan payment will become due upon the expiration of their grace period in June 2015. Therefore, it is critical that the terms of this program as provided in the regulation be effective immediately in order for HESC to process applications so that timely payments can be made on behalf of program recipients. To accomplish this mandate, the statute further provides for HESC to promulgate emergency regulations to implement the program. For these reasons, compliance with section 202(1) of the State Administrative Procedure Act would be contrary to the public interest.

Subject: New York State Get on Your Feet Loan Forgiveness Program.

Purpose: To implement the New York State Get on Your Feet Loan Forgiveness Program.

Text of emergency rule: New section 2201.15 is added to Title 8 of the New York Code, Rules and Regulations to read as follows:

Section 2201.15 New York State Get on Your Feet Loan Forgiveness Program.

(a) *Definitions. As used in section 679-g of the education law and this section, the following terms shall have the following meanings:*

(1) *"Adjusted gross income" shall mean the income used by the U.S. Department of Education to qualify the applicant for the federal income-driven repayment plan.*

(2) *"Award" shall mean a New York State Get on Your Feet Loan Forgiveness Program award pursuant to section 679-g of the education law.*

(3) *"Deferment" shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.*

(4) *"Delinquent" shall mean the failure to pay a required scheduled payment on a federal student loan within thirty days of such payment's due date.*

(5) *"Forbearance" shall have the same meaning applicable to the William D. Ford Federal Direct Loan Program as set forth in 34 CFR Part 685.*

(6) *"Income" shall mean the total adjusted gross income of the applicant and the applicant's spouse, if applicable.*

(7) *"Program" shall mean the New York State Get on Your Feet Loan Forgiveness Program.*

(8) *"Undergraduate degree" shall mean an associate or baccalaureate degree.*

(b) *Eligibility. An applicant must satisfy the following requirements:*

(1) *have graduated from a high school located in the State or attended an approved State program for a State high school equivalency diploma and received such diploma. An applicant who received a high school diploma, or its equivalent, from another state is ineligible for a Program award;*

(2) *have graduated and obtained an undergraduate degree from a college or university located in the State in or after the two thousand fourteen-fifteen academic year;*

(3) *apply for this program within two years of obtaining such undergraduate degree;*

(4) *not have earned a degree higher than an undergraduate degree at the time of application;*

(5) *be a participant in a federal income-driven repayment plan whose payment amount is generally ten percent of discretionary income;*

(6) *have income of less than fifty thousand dollars;*

(7) *comply with subdivisions three and five of section 661 of the education law;*

(8) *work in the State, if employed. A member of the military who is on active duty and for whom New York is his or her legal state of residence shall be deemed to be employed in NYS;*

(9) *not be delinquent on a federal student loan or in default on a student loan made under any statutory New York State or federal education loan program or repayment of any New York State award; and*

(10) *be in compliance with the terms of any service condition imposed by a New York State award.*

(c) *Administration.*

(1) *An applicant for an award shall apply for program eligibility at such times, on forms and in a manner prescribed by the corporation. The corporation may require applicants to provide additional documentation evidencing eligibility.*

(2) *A recipient of an award shall:*

(i) *request payment at such times, on such forms and in a manner as prescribed by the corporation;*

(ii) *confirm he or she has adjusted gross income of less than fifty thousand dollars, is a resident of New York State, is working in New York State, if employed, and any other information necessary for the corporation to determine eligibility at such times prescribed by the corporation. Said submissions shall be on forms or in a manner prescribed by the corporation;*

(iii) *notify the corporation of any change in his or her eligibility*

status including, but not limited to, a change in address, employment, or income, and provide the corporation with current information;

(iv) not receive more than twenty four payments under this program; and

(v) provide any other information or documentation necessary for the corporation to determine compliance with the program's requirements.

(d) Amounts and duration.

(1) The amount of the award shall be equal to one hundred percent of the recipient's established monthly federal income-driven repayment plan payment whose payment amount is generally ten percent of discretionary income and whose payment is based on income rather than loan debt.

(2) In the event the established monthly federal income-driven repayment plan payment is zero or the applicant is otherwise not obligated to make a payment, the applicant shall not qualify for a Program award.

(3) Disbursements shall be made to the entity that collects payments on the federal student loan or loans on behalf of the recipient on a monthly basis.

(4) A maximum of twenty-four payments may be awarded, provided the recipient continues to satisfy the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(e) Disqualification. A recipient shall be disqualified from receiving further award payments under this program if he or she fails to satisfy any of the eligibility requirements, no longer qualifies for an award, or fails to respond to any request for information by the corporation.

(f) Renewed eligibility. A recipient who has been disqualified pursuant to subdivision (e) may reapply for this program and receive an award if he or she satisfies all of the eligibility requirements set forth in section 679-g of the education law and the requirements set forth in this section.

(g) Repayment. A recipient who is not a resident of New York State at the time a payment is made under this program shall be required to repay such payment or payments to the corporation. In addition, at the corporation's discretion, a recipient may be required to repay to the corporation any payment made under this program that, at the time payment was made, should have been disqualified pursuant to subdivision (e). If a recipient is required to repay any payment or payments to the corporation, the following provisions shall apply:

(1) Interest shall begin to accrue on the day such payment was made on behalf of the recipient. In the event the recipient notifies the corporation of a change in residence within 30 days of such change, interest shall begin to accrue on the day such recipient was no longer a New York State resident.

(2) The interest rate shall be fixed and equal to the rate established in section 18 of the New York State Finance Law.

(3) Repayment must be made within five years.

(4) Where a recipient has demonstrated extreme hardship as a result of a disability, labor market conditions, or other such circumstances, the corporation may, in its discretion, waive or defer payment, extend the repayment period, or take such other appropriate action.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire September 13, 2017.

Text of rule and any required statements and analyses may be obtained from: Cheryl B. Fisher, NYS Higher Education Services Corporation, 99 Washington Avenue, Room 1325, Albany, New York 12255, (518) 474-5592, email: regcomments@hesc.ny.gov

Regulatory Impact Statement

Statutory authority:

The New York State Higher Education Services Corporation's ("HESC") statutory authority to promulgate regulations and administer the New York State Get on Your Feet Loan Forgiveness Program ("Program") is codified within Article 14 of the Education Law. In particular, Part C of Chapter 56 of the Laws of 2015 created the Program by adding a new section 679-g to the Education Law. Subdivision 4 of section 679-g of the Education Law authorizes HESC to promulgate emergency regulations for the purpose of administering this Program.

Pursuant to Education Law § 652(2), HESC was established for the purpose of improving the post-secondary educational opportunities of eligible students through the centralized administration of New York State financial aid programs and coordinating the State's administrative effort in student financial aid programs with those of other levels of government.

In addition, Education Law § 653(9) empowers HESC's Board of Trustees to perform such other acts as may be necessary or appropriate to carry out the objects and purposes of the corporation including the promulgation of rules and regulations.

HESC's President is authorized, under Education Law § 655(4), to propose rules and regulations, subject to approval by the Board of Trustees, governing, among other things, the application for and the granting

and administration of student aid and loan programs, the repayment of loans or the guarantee of loans made by HESC; and administrative functions in support of state student aid programs. Also, consistent with Education Law § 655(9), HESC's President is authorized to receive assistance from any Division, Department or Agency of the State in order to properly carry out his or her powers, duties and functions. Finally, Education Law § 655(12) provides HESC's President with the authority to perform such other acts as may be necessary or appropriate to carry out effectively the general objects and purposes of HESC.

Legislative objectives:

The Education Law was amended to add a new section 679-g to create the "New York State Get on Your Feet Loan Forgiveness Program" (Program). The objective of this Program is to ease the burden of federal student loan debt for recent New York State college graduates.

Needs and benefits:

More than any other time in history, a college degree provides greater opportunities for graduates than is available to those without a postsecondary degree. However, financing that degree has also become more challenging. According to a June 9, 2014 Presidential Memorandum issued by President Obama, over the past three decades, the average tuition at a public four-year college has more than tripled, while a typical family's income has increased only modestly. More students than ever are relying on loans to pay for college. Today, 71 percent of those earning a bachelor's degree graduate with debt, which averages \$29,400. Many of these students feel burdened by debt, especially as they seek to start a family, buy a home, launch a business, or save for retirement. To ensure that student debt is manageable, the federal government enacted income-driven repayment plans, such as the Pay as You Earn (PAYE) plan, which caps a federal student loan borrower's payments at 10 percent of income.

Although New York's public colleges and universities offer among the lowest tuition in the nation, currently the average New York student graduates from college with a four-year degree saddled with more than \$25,000 in student loans. Mounting student debt makes it difficult for recent graduates to deal with everyday costs of living, which often increases the amount of credit card and other debt they must take on in order to survive. To help mitigate the disparate growth in the cost of financing a postsecondary education, this Program offers financial aid relief to recent college graduates by providing up to twenty-four payments towards an eligible applicant's federal income-based student loan repayment plan commitment. Students who receive their undergraduate degree from a college or university located in New York State in December 2014 and thereafter, who continue to live in New York State upon graduation, earn less than \$50,000 per year, participate in either the federal Pay as You Earn (PAYE) or applicable federal Income Based Repayment (IBR) program, and apply for this Program within two years after graduating from college are eligible for this Program.

Costs:

a. It is anticipated that there will be no new costs to the agency for the implementation of, or continuing compliance with this rule.

b. The maximum cost of the program to the State is \$5.2 million in the first year based upon budget estimates.

c. It is anticipated that there will be no costs to local governments for the implementation of, or continuing compliance with, this rule.

d. The source of the cost data in (b) above is derived from the New York State Division of the Budget.

Local government mandates:

No program, service, duty or responsibility will be imposed by this rule upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

This proposal will require applicants to file an electronic application for eligibility and payment together with supporting documentation.

Duplication:

No relevant rules or other relevant requirements duplicating, overlapping, or conflicting with this rule were identified.

Alternatives:

The proposed regulation is the result of HESC's outreach efforts to the U.S. Department of Education with regard to this Program. Several alternatives were considered in the drafting of this regulation. For example, several alternatives were considered in defining terms used in the regulation as well as the administration of the Program. Given the statutory language as set forth in section 679-g of the Education Law, a "no action" alternative was not an option.

Federal standards:

This proposal does not exceed any minimum standards of the Federal Government. Since this Program is intended to supplement federal repayment programs, efforts were made to align the Program with the federal programs.

Compliance schedule:

The agency will be able to comply with the regulation immediately upon its adoption.

Regulatory Flexibility Analysis

This statement is being submitted pursuant to subdivision (3) of section 202-b of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's ("HESC") Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse economic impact on small businesses or local governments. HESC finds that this rule will not impose any compliance requirement or adverse economic impact on small businesses or local governments. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which will provide an economic benefit to the State's small businesses and local governments as well.

Rural Area Flexibility Analysis

This statement is being submitted pursuant to subdivision (4) of section 202-bb of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making, seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not impose an adverse impact on rural areas. Rather, it has potential positive impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits rural areas around the State as well.

This agency finds that this rule will not impose any reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

This statement is being submitted pursuant to subdivision (2) of section 201-a of the State Administrative Procedure Act and in support of the New York State Higher Education Services Corporation's Emergency Rule Making seeking to add a new section 2201.15 to Title 8 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

It is apparent from the nature and purpose of this rule that it will not have any negative impact on jobs or employment opportunities. Rather, it has potential positive economic impacts inasmuch as it implements a statutory student financial aid program that eases the burden of federal student loan debt for recent New York State college graduates who continue to live in the State. Providing students with direct financial assistance will encourage students to attend college in New York State and remain in the State following graduation, which benefits the State as well.

Department of Motor Vehicles

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

International Registration Plan

I.D. No. MTV-27-17-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: This is a consensus rule making to amend sections 28.2(l) and 28.4(g) of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a) and 405-i

Subject: International Registration Plan.

Purpose: Allows trip permits to be performed via electronic technologies that may be acceptable to the International Registration Bureau.

Text of proposed rule: Subdivision (l) of section 28.2 is repealed.

Section 28.4 is amended by adding a new subdivision (g) to read as follows:

(g) *Electronic technologies authorized. Unless otherwise specified in this Part, all transactions and activities required or authorized by, or conducted pursuant to this Part regarding trip permits may be performed*

by any electronic technologies as may be acceptable to the International Registration Bureau. Such transactions and activities shall include, but not be limited to: submission of application forms and required fees to the department for the issuance or purchase of trip permits; direct issuance of trip permits by the department to a registrant or to a registrant's agent; the sale of trip permits by the department to established wire services for issuance by the wire services to a registrant or to a registrant's agent; wire service issuance of trip permits to a registrant or to a registrant's agent; and the recording by wire services of all trip permits obtained and issued.

Text of proposed rule and any required statements and analyses may be obtained from: Heidi A. Bazicki, Department of Motor Vehicles, 6 Empire State Plaza, Rm. 522A, Albany, NY 12228, (518) 474-0871, email: heidi.bazicki@dmv.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Consensus Rule Making Determination

Under Vehicle and Traffic Law Article 14-A and Part 28 of the Commissioner's Regulations, New York is a member of, and participates in, the International Registration Plan (IRP), which is a registration reciprocity agreement among member states of the United States, the District of Columbia and all the Canadian provinces. The IRP allows for the registration of certain commercial vehicles that travel in two or more member jurisdictions, and provides for a single payment of registration fees in one jurisdiction which are shared by the member jurisdictions in which the vehicle operates. The IRP calls for issuance of "apportioned" license plates and cab cards listing all of the jurisdictions in which the vehicle may operate.

In cases where a vehicle is eligible for IRP registration, but is not IRP registered, the vehicle must purchase a 72 hour "trip permit" to permit the vehicle's operation in other IRP jurisdictions.

Part 28 contains provisions relating to various transactions and activities concerning the issuance of trip permits to registrants, and also to the sale of trip permits to "wire services" which are businesses that, among other things, are authorized to issue trip permits to registrants. Wire services are also subject to certain record-keeping requirements regarding the trip permits they obtain and issue.

Currently, the processes regarding required and authorized trip permit transactions and activities – including the purchase of the trip permits by wire services and the transmittal of the permits to the services – are all paper-based. However, DMV's International Registration Bureau (IRB) anticipates the future establishment of an electronic trip permit system that IRB will make available to registrants and wire services, which will provide a faster, more efficient, less costly and more environmentally-friendly mechanism, whereby trip permit transactions/activities may be performed and reports made and records stored via the use of electronic technologies. There is currently no express requirement in Part 28 that transactions be conducted via hardcopy means, however, because paper has been the traditional methodology. The proposed rule makes clear that trip permit transactions and activities may be performed via the use of electronic technologies.

In addition, Part 28 contains provisions regarding applications for IRP registrations and renewals thereof. Section 28.2(1) provides that an applicant for IRP registration or renewal, which is subject to the New York State Highway Use Tax, must submit, upon request, a certificate of tax clearance issued by the New York State Department of Taxation and Finance ("DTF"). This provision is inconsistent with current DMV policy and practice whereby certificates of tax clearance are no longer requested or required from such applicants. It is no longer necessary for DMV to request or require certificates of tax clearance for registration transactions conducted at DMV offices - or at the IRB - because the DTF effectively enforces this type of tax obligation via a vehicle registration suspension process. Not requesting and/or requiring submission of certificates of tax clearance will decrease DMV and DTF staff time that is currently spent retrieving, transmitting and waiting for the certificates, and will increase the speed and efficiency of the IRP registration – and registration renewal – process.

Job Impact Statement

A Job Impact Statement is not submitted with this proposed rule because it would not have an adverse impact on job development in New York State.

Office for People with Developmental Disabilities

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Reportable Incidents and Notable Occurrences

I.D. No. PDD-27-17-00009-EP

Filing No. 424

Filing Date: 2017-06-20

Effective Date: 2017-06-20

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Amendment of section 624.5(d) of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

Finding of necessity for emergency rule: Preservation of public health, public safety and general welfare.

Specific reasons underlying the finding of necessity: The emergency adoption will amend existing regulations for mandated reporters of reportable incidents to the Justice Center for the Protection of People with Special Need Vulnerable Person' Central Register (VPCR) and requires providers to establish written protocols, necessary to ensure reports involving multiple mandated reporters are properly made and documented and to protect the health, safety, and welfare of individuals receiving services in the OPWDD system.

The emergency amendments will amend the existing regulations for mandated reporters of reportable incidents to the Justice Center for the Protection of People with Special Need's Vulnerable Person' Central Register (VPCR) and will require providers to establish written protocols to ensure reports involving multiple reporters are properly made and documented. The regulations must be filed on an emergency basis to comply with recent guidance from the Justice Center for the Protection of People with Special Needs regarding mandated reporters.

Subject: Reportable Incidents and Notable Occurrences.

Purpose: To amend existing regulations for mandated reporters of reportable incidents to the Justice Center.

Text of emergency/proposed rule: Subparagraph 624.5(d) is amended as follows:

(d) Reporting of reportable incidents to the Vulnerable Persons' Central Register (VPCR).

(1) Facilities and programs that are operated or certified by OPWDD must report all reportable incidents to the VPCR. (Non-certified programs that are not State operated, and programs certified under paragraph 16.03(a)(4) of the Mental Hygiene Law that are not State operated, are not required to report to the VPCR[.]).

(2) All custodians (see glossary, section 624.20 of this Part) in facilities or programs operated or certified by OPWDD are "mandated reporters" and are required to report reportable incidents to the VPCR[.] *unless:*

(i) *he or she knows that the report has already been made by another mandated reporter; and*

(ii) *that he or she has been named in that report as a person with knowledge of the incident.*

(3) All custodians in facilities or programs operated or certified by OPWDD must submit reports of reportable incidents to the VPCR immediately upon discovery of the reportable incident.

(i) For purposes of this Part, "discovery" occurs when the mandated reporter witnesses a suspected reportable incident or when another party, including an individual receiving services, comes before the mandated reporter in the mandated reporter's professional or official capacity and provides the mandated reporter with reasonable cause to suspect that the individual has been subjected to a reportable incident.

(ii) Reports must be submitted by a statewide, toll-free telephone number (a "hotline") or by electronic transmission, in a manner and on forms prescribed by the Justice Center.

(iii) Mandated reporters shall have the rights and responsibilities established by section 491 of the Social Services Law.

(4) *Providers shall establish written protocols to ensure reports involving multiple mandated reporters are properly made and documented.*

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 17, 2017.

Text of rule and any required statements and analyses may be obtained from: Office of Counsel, Bureau of Policy and Regulatory Affairs, Office for People With Developmental Disabilities (OPWDD), 44 Holland Avenue 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.

Regulatory Impact Statement

1. Statutory Authority:

a. OPWDD has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law Section 13.07.

b. OPWDD has the authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS Mental Hygiene Law Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS Mental Hygiene Law Section 16.00.

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in sections 13.07, 13.09(b), 16.00 and 16.05 of the Mental Hygiene Law. The regulations amend existing regulations regarding reporting requirements for mandated reporters to the Justice Center for the Protection of People with Special Need's Vulnerable Person' Central Register (VPCR).

3. Needs and Benefits: The proposed regulations amend existing regulations in Part 624.5(d).

The proposed regulations would allow required mandated reporters to not report reportable incidents if the report has already been made by another mandated reporter and the mandated report names additional mandated reporter(s) as a person(s) with knowledge of the incident.

In addition, the proposed regulations require providers to establish written protocols to ensure reports involving multiple mandated reporters are properly made and documented.

4. Costs:

a. Costs to the Agency and to the State and its local governments:

There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations. The regulations merely amend the requirements for when a mandated reporter has to report a reportable incident to the Justice Center for the Protection of People with Special Need's Vulnerable Person' Central Register (VPCR). Consequently, there are no anticipated costs for the State in its role of paying for Medicaid costs.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

The regulations will not result in costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: OPWDD expects the costs to have providers establish written protocols to be minimal and satisfied with existing resources as this will be an update to protocols already in existence.

5. Local Government Mandates: There are no new requirements imposed by the rule on any county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers may experience a minimal increase in paperwork as a result of the proposed regulations because the regulations require providers to update written protocols to ensure reports involving multiple mandated reporters are properly made and documented.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations because the regulations are necessary to satisfy the requirements of the Justice Center for the Protection of People with Special Needs regarding mandated reporters and reportable incidents.

9. Federal Standards: The proposed rule does not exceed minimum standards of the federal government.

10. Compliance Schedule: OPWDD is planning to adopt the proposed

amendments as soon as possible within the timeframes mandated by the State Administrative Procedure Act. Additionally the proposed regulations were discussed with and reviewed by representatives of providers in advance of this proposal.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses and local governments is not submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services and capital costs imposed on public and private entities in rural areas and the compliance costs imposed will be minimal.

The proposed regulations amend the existing regulations for mandated reporters of reportable incidents to the Justice Center for the Protection of People with Special Need's Vulnerable Person's Central Register (VPCR). Consequently, there are no anticipated costs for the State in its role of paying for Medicaid costs. The costs to establish written protocols are minimal and will be satisfied with existing resources. Consequently, the amendments will not have any adverse effects on providers of small business and local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas. There are no professional services and capital costs imposed on public and private entities in rural areas and the compliance costs imposed will be minimal.

The proposed regulations amend existing regulations for mandated reporters of reportable incidents to the Justice Center for the Protection of People with Special Need's Vulnerable Persons' Central Register (VPCR). Consequently, there are no anticipated costs for the State in its role of paying for Medicaid costs. The costs to establish written protocols are minimal and will be satisfied with existing resources. Consequently, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed amendments is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulations amend the requirements for mandated reporters of reportable incident to the Justice Center for the Protection of People with Special Need's Vulnerable Persons' Central Register (VPCR). The amendments will not result in costs, including staffing costs for providers. The costs to establish written protocols will be minimal and satisfied with existing resources. Consequently, the amendments will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

NOTICE OF ADOPTION

Joint Proposal Establishing Three-Year Gas Rate Plan

I.D. No. PSC-40-16-00023-A

Filing Date: 2017-06-15

Effective Date: 2017-06-15

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving the terms of a joint proposal executed by Corning Natural Gas Corporation (Corning), Department of Public Service Staff (Staff) and Multiple Intervenors (MI), establishing a three-year gas rate plan.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Joint proposal establishing three-year gas rate plan.

Purpose: To approve the terms of a joint proposal establishing a three-year gas rate plan.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving the terms of a joint proposal executed by Corning Natural Gas Corporation (Corning), trial staff of the Department of Public Service Staff and Multiple Intervenors, establishing a three-year gas rate plan for Corning, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-G-0369SA1)

NOTICE OF ADOPTION

Leases of Certain Real Property

I.D. No. PSC-52-16-00005-A

Filing Date: 2017-06-19

Effective Date: 2017-06-19

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving New York State Electric and Gas Corporation's (NYSEG) petition to lease multiple properties.

Statutory authority: Public Service Law, section 70

Subject: Leases of certain real property.

Purpose: To approve NYSEG's petition to lease multiple properties.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving New York State Electric and Gas Corporation's petition to lease the facility located at 230 Baldwin Place Rd., Mahopac, NY to South Putnam Animal Hospital; the facility located at 31 International Blvd., Brewster, NY to NYSARC, Inc., Putnam County Chapter; the facility located at 26 Court Street, Cortland, NY to James Nunciato; the facility located at 5655 South Park Avenue, Hamburg, NY to Hemisphere Communications Inc.; the facility located at NYS Route 28, Cooperstown, NY to Cooperstown Optical, LLC; and the facility located at 34440 Rt. 10, Hamden, NY to Delaware County Social Services, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-M-0692SA1)

NOTICE OF ADOPTION

Initial Rates

I.D. No. PSC-03-17-00005-A

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving, with modifications, Castagna Wellness Water Works, Inc.'s (Castagna) initial tariff schedule in P.S.C. No. 1 — Water, providing for annual revenues of \$241,576.

Statutory authority: Public Service Law, section 89-e(2)

Subject: Initial Rates.

Purpose: To approve, with modifications, Castagna's initial tariff schedule providing for annual revenues.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving, with modifications, Castagna Wellness Water Works, Inc.'s (Castagna) initial tariff schedule in P.S.C. No. 1 — Water, providing for annual revenues of \$241,576 and directed Castagna to file tariff revisions consistent with the rates and restoration of service charges in Appendices B and C, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(16-W-0722SA1)

NOTICE OF ADOPTION

Long-Term Loan Agreement

I.D. No. PSC-11-17-00012-A

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving Hague Community Homeowners Association, Inc. (Hague) to enter into a long-term loan agreement with the New York State Environmental Facilities Corporation (EFC) for up to \$92,000.

Statutory authority: Public Service Law, section 89-f

Subject: Long-term loan agreement.

Purpose: To approve Hague to enter into a long-term loan agreement with the EFC for up to \$92,000.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving Hague Community Homeowners Association, Inc. (Hague) to enter into a long-term loan agreement with the New York State Environmental Facilities Corporation (EFC) for up to \$92,000, not later than September 30, 2017, and is authorized to surcharge its members, as outlined in Statement No. 1, to recover the balance of the EFC loan. Hague's Initial Electronic Tariff Schedule, P.S.C. No. 1 – Water is also approved to become effective of July 1, 2017, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-W-0077SA1)

NOTICE OF ADOPTION

Transfer of Street Lighting Facilities

I.D. No. PSC-13-17-00005-A

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) petition to transfer certain street lighting facilities to the City of Middletown.

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Transfer of street lighting facilities.

Purpose: To approve O&R's petition to transfer certain street lighting facilities to the City of Middletown.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving Orange and Rockland Utilities, Inc.'s petition to transfer certain street lighting facilities to the City of Middletown, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

tion, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0111SA1)

NOTICE OF ADOPTION

Tariff Amendments and Revisions

I.D. No. PSC-14-17-00007-A

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving the major companies' gas demand response tariff amendments and revisions to the Gas Transportation Operating Procedure (GTOP) Manuals.

Statutory authority: Public Service Law, sections 65, 66(1) and (2)

Subject: Tariff amendments and revisions.

Purpose: To approve the major companies' tariff amendments and revisions.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving Central Hudson Gas & Electric Corporation (Central Hudson), Consolidated Edison Company of New York, Inc. (Con Edison), National Fuel Gas Distribution Corporation (National Fuel), New York State Electric & Gas Corporation (NYSEG), Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk) and Orange and Rockland Utilities, Inc.'s (O&R) amendments to their gas demand response tariffs. Central Hudson, Con Edison, National Fuel, NYSEG, Niagara Mohawk, O&R, KeySpan Gas East Corporation d/b/a National Grid and The Brooklyn Union Gas Company d/b/a National Grid NY are directed to file modifications to their respective Gas Transportation Operation Procedure Manuals, on not less than three days' notice to become effective July 1, 2017. The Commission also approved waiver requests to adjust the temperature notification requirement for gas companies to commence daily contract with demand response customers and O&R to make further amendments that apply to the upstate local distribution companies, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-G-0185SA2)

NOTICE OF ADOPTION

Tariff Amendments to Update Pole Attachment Rates

I.D. No. PSC-15-17-00003-A

Filing Date: 2017-06-16

Effective Date: 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Action taken: On 6/15/17, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 15 — Electricity, updating General Information Section 33 — Pole Attachment Rates.

Statutory authority: Public Service Law, section 66(12)(b)

Subject: Tariff amendments to update pole attachment rates.

Purpose: To approve Central Hudson's tariff amendments to update pole attachment rates.

Substance of final rule: The Commission, on June 15, 2017, adopted an order approving Central Hudson Gas and Electric Corporation's tariff amendments to P.S.C. No. 15 – Electricity, updating General Information Section 33 – Pole Attachment Rates, applicable to Cable System Operators and Telecommunication Carriers, subject to the terms and conditions set forth in the order.

Final rule as compared with last published rule: No changes.

Text of rule may be obtained from: John Pitucci, Public Service Commission, Three Empire State Plaza, Albany, New York, 12223, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0170SA1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Electric Rate Filing

I.D. No. PSC-27-17-00014-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a as National Grid (NMPC) to make various changes in the rates, charges, rules and regulations contained in its Schedules P.S.C. Nos. 214 and 220—Electricity.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Major electric rate filing.

Purpose: To consider an increase in NMPC's electric delivery revenues by approximately \$326 million (or 13.0% in total revenues).

Public hearing(s) will be held at: 10:00 a.m., Oct. 2, 2017 and continuing daily as needed at Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY. (Evidentiary Hearing)*

* On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 17-E-0238 and 17-G-0239.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) to increase its electric delivery revenues for the rate year ending March 31, 2019, by approximately \$326 million (22.8% in base delivery revenues, or 13.0% in total revenues). NMPC's requested increase in delivery revenues results in an average residential monthly delivery bill increase of \$11.23 (21.8% increase on the delivery bill, or a 13.9% increase on a total bill) for a customer using 600 kWh. The initial suspension period for the proposed filing runs through September 28, 2017. The full text of the proposal may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: five days after the last scheduled public hearing.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-E-0238SP1)

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Major Gas Rate Filing

I.D. No. PSC-27-17-00017-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a as National Grid (NMPC) to make various changes in the rates, charges, rules and regulations contained in its Schedule P.S.C. No. 219—Gas.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Major gas rate filing.

Purpose: To consider an increase in NMPC's gas delivery revenues by approximately \$81 million (14.0% in total revenues).

Public hearing(s) will be held at: 10:00 a.m., Oct. 2, 2017 and continuing daily as needed at Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY. (Evidentiary Hearing)*

*On occasion, there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Cases 17-E-0238 and 17-G-0239.

Interpreter Service: Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

Accessibility: All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

Substance of proposed rule: The Commission is considering a proposal filed by Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) to increase its gas delivery revenues for the rate year ending March 31, 2019, by approximately \$81 million (24.0% increase in base delivery revenues, or 14.0% in total revenues). NMPC's requested increase in gas delivery revenues results in a monthly bill increase of about \$10.38 (24.8% on the delivery bill, or a 14.9% increase on the total bill) for an average residential hearing customer using 77 therms per month. The initial suspension period for the proposed filing runs through September 28, 2017. The full text of the proposal may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: five days after the last scheduled public hearing.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-G-0239SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Conclusion of the Energy Efficiency Portfolio Standard Programs

I.D. No. PSC-27-17-00012-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering Department of Public Service Staff's proposal regarding the conclusion of the Energy Efficiency

Portfolio Standard (EEPS) 1 and 2 programs that addresses the awarding of the shareholder incentives and some EEPS 1 overspending.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1) and 66(1)

Subject: Conclusion of the Energy Efficiency Portfolio Standard programs.

Purpose: To address the conclusion of EEPS programs, award EEPS 1 and 2 shareholder incentives, and remediate EEPS 1 overspending.

Substance of proposed rule: The Commission is considering the Staff Proposal Regarding the Conclusion of the Energy Efficiency Portfolio Standard, filed by the Department of Public Service Staff on June 16, 2017, to award utility shareholder incentives associated with the Energy Efficiency Portfolio Standard (EEPS) as well as to remediate program overspending for certain utility EEPS programs. Staff proposes a performance period for EEPS 1 of January 1, 2009 through June 30, 2016, such that the EEPS 1 incentives are calculated based upon acquired savings during that performance period. In addition, for EEPS 1 Gas shareholder incentives, Staff proposes a conversion rate of 1.025 to convert a thousand cubic feet (Mcf) of natural gas to dekatherms (Dth), as the Commission established a dollar per Mcf for shareholder incentive purposes but set utility targets in Dth. For EEPS 2 incentives, the proposal reflects the Commission's decision to award incentives on a commitment/accrual basis, such that the incentives are calculated based on the reported acquired and committed savings as of December 31, 2015. For both EEPS 1 and EEPS 2, Staff proposes awarding a megawatt (MW) incentive for Consolidated Edison Company of New York, Inc., as established in Commission orders. For shareholder incentive purposes, Staff proposes to adjust reported savings downward to account for program overspending during EEPS 1. However, Staff proposes to allow those utilities that overspent particular EEPS 1 programs to use unspent/unencumbered EEPS funds to cover the program overspending. Staff proposes the Commission authorize utilities to retain additional unspent/unencumbered EEPS funds to fund shareholder incentives. In instances where a utility does not have enough unspent/unencumbered funds, Staff proposes that the Commission require NYSEDA to provide the balance of the award from the unspent/unencumbered it has reserved for such purposes. The full text of the Staff Proposal Regarding the Conclusion of the Energy Efficiency Portfolio Standard may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(07-M-0548SP83)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Issuance by Corning Natural Gas of Long-Term Indebtedness

I.D. No. PSC-27-17-00013-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Public Service Commission is considering a petition of Corning Natural Gas Corporation (Corning) authorizing the issuance of up to \$44,064,353 of long-term indebtedness.

Statutory authority: Public Service Law, section 69

Subject: Issuance by Corning Natural Gas of long-term indebtedness.

Purpose: To consider Corning to issue long-term indebtedness in the amount of \$44,064,353.

Substance of proposed rule: The Commission is considering a petition filed by Corning Natural Gas Corporation (Corning) authorizing the issuance of up to \$44,064,353 of long-term indebtedness. On June 14, 2017, Corning filed a petition seeking authorization to issue long-term debt in

the above amount for the stated purpose of refunding short-term debt, refinance some variable cost debt into fixed rate debt, fund mandated safety and reliability measures and fund expansion of the company's gas service within its existing service territory. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-G-0346SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Whether a Proposed Agreement for the Provision of Water Service by Saratoga Water Services, Inc. is in the Public Interest

I.D. No. PSC-27-17-00015-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed action: The Public Service Commission is considering a petition filed by Saratoga Water Services, Inc. for a waiver of the company's tariff and the terms of a service agreement.

Statutory authority: Public Service Law, sections 4(1), 20(1) and 89-b

Subject: Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.

Purpose: To consider a waiver and the terms of a service agreement.

Text of proposed rule: The Commission is considering a petition in which Saratoga Water Services, Inc. (Saratoga) seeks issuance of an Order (a) approving the terms and conditions of a certain "Agreement For The Provision of Water Service", dated November 10, 2016 (Agreement) between Saratoga and Deercreek Capital Group, LLC as being in the public interest; (b) determining that the provision of water service by Saratoga in accordance with the terms set forth in the Agreement is in the public interest; (c) waiving Saratoga's tariff provisions to the extent they are inconsistent with the Agreement, and (d) waiving the applicability of the provisions of 16 NYCRR Parts 501 and 502 to the extent they are inconsistent with the Agreement. The full text of the petition may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(17-W-0163SP1)

**PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED**

Modification of Interim Build-Out Targets**I.D. No.** PSC-27-17-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: The Commission is considering whether to modify, consistent with a settlement agreement filed by Charter on June 19, 2017, Section I(B)(1)(c) of Appendix A of its January 8, 2016 Order Granting Joint Petition Subject to Conditions.

Statutory authority: Public Service Law, sections 99, 100 and 222

Subject: Modification of interim build-out targets.

Purpose: To consider a settlement agreement that modifies Section I(B)(1)(c) of Appendix A of the Commission's January 8, 2016 Order.

Substance of proposed rule: The Public Service Commission (Commission) is considering whether to modify certain commitments to expand network access it had obtained from Charter Communications, Inc. (Charter) as a condition of approval of a merger. The commitments were found to be necessary by the Commission in order to justify a finding that the merger is in the public interest, a finding that must be made if the Commission was to approve the merger. The commitments were set forth in Section I(B)(1)(c) of Appendix A of the January 8, 2016 Order Granting Joint Petition Subject to Conditions, issued by the Commission in Case 15-M-0388. Specifically, Charter committed to extend its network to pass, within its statewide service territory, an additional 145,000 "unserved" (download speeds of 0-24.9 Mbps) and "underserved" (download speeds of 25-99.9 Mbps) residential housing units and/or businesses within four years of the close of the transaction at speeds of 100 Megabits per second. Charter was required to complete those passings in 25% increments, or 36,250 passings each year, or cumulatively 36,250 by May 18, 2017, 72,500 by May 18, 2018, 108,750 by May 18, 2019 and 145,000 by May 18, 2020. The Commission is considering whether to change the going-forward interim passing targets and frequency of the targets in light of current circumstances, as follows: 36,771 by December 12, 2017, 58,417 by May 18, 2018, 80,063 by November 16, 2018, 101,708 by May 18, 2019, 123,354 by November 16, 2019, and 145,000 by May 18, 2020. There is no change proposed to the May 18, 2020 deadline for the completion of the 145,000 cumulative passings commitment. These modifications are being considered by the Commission in the context that Charter failed to complete the required 36,250 passings by May 18, 2017, and in lieu of a potential penalty action or other potential remedies in connection with such failure, Charter has entered into a Settlement Agreement dated and filed on June 19, 2017 proposing, among other things, that Charter pay \$1 million in grants for equipment to provide computer and internet access to low-income users, and that Charter post a \$12 million security to ensure that Charter meets its network expansion commitment going forward. Under the Settlement Agreement, Charter agrees to abide by the proposed going-forward interim passing targets and frequency of the targets and to forfeit its right to earn back up to \$1 million each time it misses a six-month build-out target. The actual amount forfeited will vary, depending upon the percentage of the target missed and whether or not Charter can demonstrate it has timely performed specific tasks. Charter has also agreed to develop a communications plan within 60 days of the Settlement Agreement's execution to inform New Yorkers whether they are part of the build-out plan. The full record of the proceeding and the text of the Settlement Agreement described above may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the relief proposed and may resolve related matters.

Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov

Data, views or arguments may be submitted to: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-M-0388SP2)

**Department of Taxation and
Finance**

**EMERGENCY/PROPOSED
RULE MAKING
NO HEARING(S) SCHEDULED**

City of New York Withholding Tables and Other Methods**I.D. No.** TAF-27-17-00004-EP**Filing No.** 418**Filing Date:** 2017-06-16**Effective Date:** 2017-06-16

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

Proposed Action: Repeal of Appendix 10-C; and addition of new Appendix 10-C to Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subdivision First, 671(a)(1), 697(a), 1309, 1312(a); Administrative Code of the City of New York, sections 11-1771(a), 11-1797(a); L. 2017, ch. 59, part C

Finding of necessity for emergency rule: Preservation of general welfare.

Specific reasons underlying the finding of necessity: As part of the enacted Budget legislation, Part C of Chapter 59 of the Laws of 2017 made certain changes to the New York City personal income tax law that require the Commissioner to adjust the withholding tables and other methods in Appendix 10-C of 20 NYCRR, and to promulgate rules to implement the changes. This rule is being adopted on an emergency basis in accordance with the requirement that rules be adopted and effective as soon as practicable. Specifically, the amendments to Appendix 10-C reflect the revision of the City of New York tax tables in accordance with the increased rate of New York City personal income tax enacted by Part C of Chapter 59 of the Laws of 2017, and the requirement that the withholding rates reflect the full amount of tax liability as accurately as practicable. The rule also makes technical changes to reformat and repaginate the tables.

Subject: City of New York withholding tables and other methods.

Purpose: To provide current City of New York withholding tables and other methods.

Substance of emergency/proposed rule (Full text is posted at the following State website: <http://www.tax.ny.gov>): Section 1309 of the Tax Law and section 11-1771 of the Administrative Code of the City of New York mandate that employers withhold from employee wages amounts that are substantially equivalent to the amount of City of New York personal income tax on residents reasonably estimated to be due for the taxable year. The provisions authorize the Commissioner of Taxation and Finance to provide for withholding of these taxes through regulations promulgated by the Commissioner.

This rule repeals and replaces Appendix 10-C of Title 20 NYCRR, New York City Personal Income Tax on Residents Withholding Tables and Other Methods of such Title, to provide new City of New York withholding tables and other methods. The amendments to Appendix 10-C reflect the revision of the City of New York tax tables in accordance with the increased rate of New York City personal income tax enacted by Part C of Chapter 59 of the Laws of 2017, and the requirement that the withholding rates reflect the full amount of tax liability as accurately as practicable.

The rule applies to wages and other compensation subject to withholding paid on or after January 1, 2017.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire September 13, 2017.

Text of rule and any required statements and analyses may be obtained from: Kathleen D. O'Connell, Tax Regulations Specialist II, Department of Taxation and Finance, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: Kathleen.OConnell@tax.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. Statutory authority: Tax Law, section 171, subdivision First, generally authorizes the Commissioner of Taxation and Finance to promulgate

regulations; section 671(a)(1) provides that the method of determining the amounts of New York State personal income tax to be withheld will be prescribed by regulations promulgated by the Commissioner; section 697(a) provides the authority for the Commissioner to make such rules and regulations as are necessary to enforce the personal income tax; section 1309 (not subdivided) provides that City of New York personal income tax withholding shall be withheld from city residents in the same manner and form as that required by New York State; section 1312(a) provides that any personal income tax imposed on New York City residents by the City of New York shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law, except where noted; Administrative Code of the City of New York, section 11-1771(a) provides that the method of determining the amount of City tax withholding will be prescribed by regulations promulgated by the Commissioner; section 11-1797(a) provides for the Commissioner to make such rules and regulations that are necessary to enforce the provisions of Chapter 17 of Title 11 of the Administrative Code of the City of New York. Section 5 of Part C of Chapter 59 of the Laws of 2017 requires the Commissioner to implement changes in the withholding tax tables and methods relating to the personal income tax increases made by Part C.

2. Legislative objectives: The rule repeals and replaces Appendix 10-C, New York City Personal Income Tax on Residents Withholding Tables and Other Methods, to implement changes in the withholding tables and other methods required by Part C of Chapter 59 of the Laws of 2017. The rule implements revised City of New York withholding tables and other methods applicable to wages and other compensation paid on or after January 1, 2017. Specifically, the amendments reflect the increased rate of New York City personal income tax provided in Part C of Chapter 59. The rule also makes technical changes to reformat and repaginate the tables.

3. Needs and benefits: This rule sets forth adjustments to the City of New York withholding tables and other methods, applicable to wages and other compensation paid on or after January 1, 2017, reflecting the revision of the tax rates contained in Part C of Chapter 59 of the Laws of 2017. This rule benefits taxpayers by providing City of New York withholding rates that more accurately reflect the current income tax rates. If this rule is not promulgated, the use of the existing withholding tables would cause some under-withholding for some taxpayers.

4. Costs: (a) Costs to regulated parties for the implementation and continuing compliance with this rule: Since (i) the Tax Law and the Administrative Code of the City of New York already mandate withholding in amounts that are substantially equivalent to the amounts of City of New York personal income tax on residents reasonably estimated to be due for the taxable year, and (ii) this rule conforms Appendix 10-C of Title 20 NYCRR to the rates of the City of New York personal income tax on residents, as required by Chapter 59 of the Laws of 2017, any compliance costs to employers associated with implementing the revised withholding tables and other methods are due to such statutes, and not to this rule.

(b) Costs to this agency, the State and local governments for the implementation and continuation of this rule: Since the need to make amendments to the New York City Personal Income Tax on Residents Regulations and to Appendix 10-C arises due to the statutory changes in the rates of the City of New York personal income tax on residents, there are no costs to this agency or the State and local governments that are due to the promulgation of this rule.

(c) Information and methodology: This analysis is based on a review of the statutory requirements and on discussions among personnel from the Department's Taxpayer Guidance Division, Office of Tax Policy Analysis, Office of Budget and Management Analysis, and Management Analysis and Project Services Bureau.

5. Local government mandates: Local governments, as employers, would be required to implement the new withholding tables and other methods in the same manner and at the same time as any other employer.

6. Paperwork: This rule will not require any new forms or information. The reporting requirements for employers are not changed by this rule. Employers will be notified of the amendments to the tables and other methods and directed to the Department's website for the updated tables and other methods.

7. Duplication: This rule does not duplicate any other requirements.

8. Alternatives: Since section 11-1771(a) of the Administrative Code of the City of New York and Chapter 59 of the Laws of 2017 require that withholding tables and other methods be promulgated, there are no viable alternatives to providing such tables and other methods.

9. Federal standards: This rule does not exceed any minimum standards of the federal government for the same or similar subject area.

10. Compliance schedule: The required information will be made available to affected employers in sufficient time to implement the revised City of New York withholding tables and other methods for wages and other compensation paid on or after January 1, 2017.

Regulatory Flexibility Analysis

1. Effect of rule: Small businesses, within the meaning of the State Administrative Procedure Act, that are currently subject to the City of

New York withholding requirements will continue to be subject to these requirements. This rule, therefore, should have little or no effect on small businesses other than the requirement of conforming to the new withholding tables and other methods. All small businesses that are employers or are otherwise subject to the withholding requirements must comply with the provisions of this rule.

2. Compliance requirements: This rule requires small businesses and local governments that are already subject to the City of New York withholding requirements to continue to deduct and withhold amounts from employees using the revised City of New York withholding tables and other methods. The promulgation of this rule will not require small businesses or local governments to submit any new information, forms, or paperwork.

3. Professional services: Many small businesses currently utilize bookkeepers, accountants and professional payroll services in order to comply with existing withholding requirements. This rule will not encourage or discourage the use of such services.

4. Compliance costs: Small businesses and local governments are already subject to the City of New York withholding requirements. Therefore, small businesses and local governments are accustomed to withholding revisions, including minor programming changes for federal, state, City of New York, and City of Yonkers purposes. As such, these changes should place no additional burdens on small businesses and local governments. See, also, section 4(a) of the Regulatory Impact Statement for this rule.

5. Economic and technological feasibility: This rule does not impose any economic or technological compliance burdens on small businesses or local governments.

6. Minimizing adverse impact: Section 671(a)(1) of the Tax Law mandates that New York State withholding tables and other methods be promulgated. Section 1309 of the Tax Law mandates, in part, that the City of New York withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude small businesses and local governments from the withholding requirements. The regulation provides some relief to small businesses and local governments with respect to the methods allowed to comply with the withholding requirements by continuing to provide employers with more than one method of computing the amount to withhold from their employees. Look-up tables are provided for employers who prepare their payrolls manually, and an exact calculation method is provided for employers with computer-based systems.

7. Small business and local government participation: The following organizations were given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Office of Coastal, Local Government, and Community Sustainability of the New York State Department of State; the Division for Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Committee of the New York State Business Council; the Retail Council of New York State; and the New York Association of Convenience Stores; the Tax Section of the New York State Bar Association; the Association of the Bar of the City of New York; the New York State Society of Enrolled Agents; the New York State Society of CPAs; and the Taxation Committee of the Business Council of New York State. In addition, the City of New York was consulted.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Every employer, including any public or private employer located in a rural area as defined in section 102(10) of the State Administrative Procedure Act, that is currently subject to the City of New York withholding requirements will continue to be subject to such requirements and will be required to comply with the provisions of this rule. The number of employers that are also public or private interests in rural areas cannot be determined with any degree of certainty. The effect on employers in rural areas is minimized because the changes relate to the New York City personal income tax on residents withholding requirements. There are 44 counties throughout this State that are rural areas (having a population of less than 200,000) and 9 more counties having towns that are rural areas (with population densities of 150 or fewer people per square mile).

2. Reporting, recordkeeping and other compliance requirements; and professional services: This rule requires employers that are already subject to the City of New York withholding requirements to continue to deduct and withhold amounts from employees using the revised withholding tables and other methods. The promulgation of this rule will not require employers to submit any new information, forms or other paperwork.

Further, many employers currently utilize bookkeepers, accountants, and professional payroll services in order to comply with existing withholding requirements. This rule will not encourage or discourage the use of any such services.

3. Costs: Employers are already subject to the City of New York withholding requirements. Therefore, employers are accustomed to withholding revisions, including minor programming changes for federal, state, City of New York, and City of Yonkers purposes. As such, these City of New York changes should place no additional burdens on employers located in rural areas. See, also, section 4(a) of the Regulatory Impact Statement for this rule.

4. Minimizing adverse impact: Section 671(a)(1) of the Tax Law requires that the New York State withholding tables and other methods be promulgated. Section 1309(a) of the Tax Law requires that the City of New York withholding of tax on wages shall be administered and collected by the Commissioner of Taxation and Finance in the same manner as the tax imposed by Article 22 of the Tax Law. There are no provisions in the Tax Law that exclude employers located in rural areas from the withholding requirements.

5. Rural area participation: The following organizations are being given an opportunity to participate in the rule's development: the Association of Towns of New York State; the Division of Local Government Services of New York State Department of State; the Division of Small Business of Empire State Development; the National Federation of Independent Businesses; the New York State Association of Counties; the New York Conference of Mayors and Municipal Officials; the Small Business Council of the New York State Business Council; the Retail Council of New York State; the New York Association of Convenience Stores; the Tax section of the New York State Bar Association; the Association of the Bar of the City of New York; the National Tax Committee for the National Conference of CPA Practitioners; the New York State Society of CPAs; and the Business Council of New York State.

6. Initial review of the rule: Pursuant to SAPA 207, as amended by L. 2012, ch. 462; the proposed initial review period for this rule is 5 years after the year in which it is adopted, rather than 3 years. The justification for a five year review period is that the proposed amendment is necessary to implement the increase in the City of New York income tax surcharge rate, pursuant to Part C of Chapter 59 of the Laws of 2017. New Appendix 10-C merely reflects the rate increase enacted by Part C. The substantive provisions of the proposed amendment cannot be repealed or modified unless there is a further change to the New York State Tax Law, affecting the City of New York's rate of tax or the New York State Tax income tax rates on which it is based. Accordingly, there is no need for a shorter review period. The Department invites public comment during the public comment period for the rule.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it would have no adverse impact on jobs and employment opportunities. The purpose of the rule is to provide City of New York withholding tables and other methods, applicable for compensation paid on or after January 1, 2017, which reflect the revision of the New York City rate enacted pursuant to Part C of Chapter 59 of the Laws of 2017.

HEARINGS SCHEDULED FOR PROPOSED RULE MAKINGS

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-11-16-00004-RP	Solid waste management regulations	Department of Environmental Conservation, 625 Broadway, Albany, NY—July 13, 2017, 1:00 p.m.
Public Service Commission		
PSC-14-17-00017-P	Petition for full-scale deployment of AMI and to establish an AMI surcharge	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—August 2, 2017, 10:30 a.m. and continuing as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be avail- able at the DPS website (www.dps.ny.gov) under Cases 17-E-0058 and 17-G-0059.
PSC-23-17-00022-P	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—September 6, 2017, 10:00 a.m. and daily on succeeding business days as necessary (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be avail- able at the DPS website (www.dps.ny.gov) under Cases 15-M-0127, 12-M-0476 and 98-M-1343.
PSC-27-17-00014-P	Major electric rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—October 2, 2017, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be avail- able at the DPS website (www.dps.ny.gov) under Cases 17-E-0238 and 17-G-0239.
PSC-27-17-00017-P	Major gas rate filing	Department of Public Service, Agency Bldg. 3, 19th Fl. Boardroom, Albany, NY—October 2, 2017, 10:00 a.m. and continuing daily as needed (Evidentiary Hearing)* *On occasion there are requests to reschedule or postpone evidentiary hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be avail- able at the DPS website (www.dps.ny.gov) under Cases 17-E-0238 and 17-G-0239.

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
AGRICULTURE AND MARKETS, DEPARTMENT OF			
AAM-16-17-00001-P	04/19/18	National Institute of Standards and Technology ("NIST") Handbook 44; receipts issued by taxicab operators, digital scales	To incorporate NIST Handbook 44 (2017 edition); to allow handwritten taxicab receipts; to liberalize scale requirements
AAM-17-17-00005-P	04/26/18	Standards for growing, harvesting, packing, and holding of produce for human consumption ("Standards")	To incorporate by reference 21 CFR Part 112, containing such Standards
AAM-19-17-00006-EP	05/10/18	Species of ash trees, parts thereof and products and debris therefrom which are at risk for infestation by the emerald ash borer	To expand the emerald ash borer (EAB) quarantine to points south of the New York State Thruway to Long Island where the EAB is
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-24-17-00017-P	06/14/18	General service standards for chemical dependence outpatient (CD-OP) and opioid treatment programs (OTP)	Conforms HIV and Hepatitis testing in accordance with the public health law; clarifies the services a peer may provide
ASA-24-17-00018-P	06/14/18	Residential services	Conforms HIV and Hepatitis testing requirements in residential settings with public health law
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-19-17-00001-P	05/10/18	The New York Achieving A Better Life Experience Savings Account Act (ABLE)	To implement the New York Achieving A Better Life Experience Savings Account Act (ABLE) as a qualified program under IRC § 529-a
CIVIL SERVICE, DEPARTMENT OF			
CVS-26-16-00003-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from the non-competitive class
CVS-26-16-00004-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class

Action Pending Index**NYS Register/July 5, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-26-16-00005-P	06/29/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-26-16-00006-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00007-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive classes
CVS-26-16-00008-P	06/29/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-26-16-00009-P	06/29/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-26-16-00010-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-26-16-00011-P	06/29/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-29-16-00001-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00002-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-29-16-00003-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00004-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-29-16-00005-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00006-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00007-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00008-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00009-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00010-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00011-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00012-P	07/20/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-29-16-00013-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-29-16-00014-P	07/20/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-29-16-00015-P	07/20/17	Jurisdictional Classification	To delete positions from the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-29-16-00016-P	07/20/17	Jurisdictional Classification	To delete positions from the exempt and non-competitive classes
CVS-29-16-00017-P	07/20/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-29-16-00018-P	07/20/17	Jurisdictional Classification	To delete subheading & positions from; to add heading, subheading & positions in exempt and non-competitive classes
CVS-35-16-00004-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00005-P	08/31/17	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-35-16-00006-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00007-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00008-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-35-16-00009-P	08/31/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-35-16-00010-P	08/31/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-35-16-00011-P	08/31/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-35-16-00012-P	08/31/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00001-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00002-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00003-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00004-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class and to delete a position from the non-competitive class
CVS-44-16-00005-P	11/02/17	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-44-16-00006-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00007-P	11/02/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-44-16-00008-P	11/02/17	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-44-16-00009-P	11/02/17	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-46-16-00001-P	11/16/17	Jurisdictional Classification	To classify a position in the exempt class
CVS-46-16-00002-P	11/16/17	Jurisdictional Classification	To classify positions in the non-competitive class

Action Pending Index**NYS Register/July 5, 2017**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-46-16-00003-P	11/16/17	Jurisdictional Classification	To classify positions in the exempt class
CVS-46-16-00004-P	11/16/17	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00006-P	01/04/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-01-17-00007-P	01/04/18	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-01-17-00008-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00009-P	01/04/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-01-17-00010-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00011-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00012-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00013-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00014-P	01/04/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-17-00015-P	01/04/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-17-00017-P	01/04/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-04-17-00003-P	01/25/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-04-17-00004-P	01/25/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00003-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00004-P	02/15/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-07-17-00005-P	02/15/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-07-17-00006-P	02/15/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-07-17-00007-P	02/15/18	Jurisdictional Classification	To classify a position non-competitive class.
CVS-12-17-00004-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00005-P	03/22/18	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class.
CVS-12-17-00006-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class.
CVS-12-17-00007-P	03/22/18	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-12-17-00008-P	03/22/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-12-17-00009-P	03/22/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-12-17-00010-P	03/22/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-17-17-00002-P	04/26/18	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2017
CVS-18-17-00001-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00002-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00003-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00004-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00005-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00006-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00007-P	05/03/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-17-00008-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00009-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00010-P	05/03/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-18-17-00011-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00012-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00013-P	05/03/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-17-00014-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes
CVS-18-17-00015-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-17-00016-P	05/03/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-18-17-00017-P	05/03/18	Jurisdictional Classification	To classify positions in the exempt class and delete positions from the non-competitive class
CVS-23-17-00001-P	06/07/18	Jurisdictional Classification	To delete a position from and classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-23-17-00002-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00003-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00004-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the labor class
CVS-23-17-00005-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-23-17-00006-P	06/07/18	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-17-00007-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00008-P	06/07/18	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-17-00009-P	06/07/18	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-17-00010-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00011-P	06/07/18	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-17-00012-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00013-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CVS-23-17-00014-P	06/07/18	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
CORRECTION, STATE COMMISSION OF			
CMC-22-17-00003-P	05/31/18	Feminine hygiene products in lockups	To ensure feminine hygiene products are available and accessible to female prisoners detained in local lockups
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-39-16-00004-P	09/28/17	Parole Board decision making	To clearly establish what the Board must consider when conducting an interview and rendering a decision
CCS-10-17-00002-P	03/08/18	Payment of costs for prosecution of certain inmates and certain inmate-patients	To amend the rule in accordance with Mental Hygiene Law and to update the agency name
CCS-10-17-00003-P	03/08/18	Marriages During Confinement	Update a job title, clarify rules for existing program, set timing for notification of marriage, delete chaplains interview
CRIMINAL JUSTICE SERVICES, DIVISION OF			
*CJS-25-16-00004-RP	06/22/17	Handling of Ignition Interlock Cases Involving Certain Criminal Offenders.	To promote public/traffic safety, offender accountability and quality assurance through the establishment of minimum standards.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-04-17-00005-ERP	01/25/18	Continuing education requirements for veterinarians and veterinary technicians	Provides that veterinarians may provide free spaying and neutering services as part of their continuing education requirements
EDU-04-17-00012-ERP	01/25/18	School Health Services	To conform school health regulations to Ch.58 of the Laws of 2006, Ch.57 of the Laws of 2013, and Ch.373 of the Laws of 2016
EDU-13-17-00014-EP	03/29/18	Eliminate Academic Literacy Skills Test for teacher certification, remove unnecessary references to liberal arts and science	To implement the recommendations of the edTPA Task Force
EDU-13-17-00016-P	03/29/18	Multiple Measures Process for the edTPA	To implement recommendations of the edTPA Task Force to Establish a Multiple Measures Process for the edTPA
EDU-14-17-00006-P	04/05/18	State Aid for Library Construction, and School Library Systems	To Implement Education Law § 273-a and to Update Terminology Related to the Functions of school library systems
EDU-16-17-00008-EP	04/19/18	Eligible Score Band for an Appeal of the English Language Arts Regents Examination for Eligible English Language Learners (ELLs)	To Align with the Recent Expansion of the Eligible Score Band for Appeals for Certain Regents Examinations for All Students
EDU-16-17-00009-P	04/19/18	Residency Certificates	To establish requirements for candidates seeking a residency certificate
EDU-21-17-00006-P	05/24/18	Education requirements for certification as a certified athletic trainer	To conform to current national education standards for certification by eliminating 79-7.2(b) education pathway by July 1, 2022
EDU-21-17-00007-P	05/24/18	Unit of Study Requirements for Career and Technical Education in Grades 7 and 8	To implement Regents policy relating to career and technical education units of study
EDU-21-17-00008-P	05/24/18	The education of homeless children and youths (McKinney-Vento Homeless Assistance Act)	Required by the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. section 11431 et seq.), as amended by ESSA
EDU-21-17-00009-P	05/24/18	Reporting Requirements Relating to Sexual Assault on College Campuses	To Implement Chapter 76 of the Laws of 2015 to establish reporting requirements relating to sexual assault on college campuses
EDU-21-17-00010-EP	05/24/18	Teaching Certificates in Career and Technical Education	Establish flexibility in the requirements for teaching certificates in career & technical education to address teacher shortage
EDU-27-17-00006-P	07/05/18	Interstate Compact for Educational Opportunity for Military Children and Physical Education Requirements for a Diploma.	To implement Ch. 328 of the Laws of 2014 and to provide flexibility in the physical education diploma requirements.
EDU-27-17-00010-EP	07/05/18	Academic Intervention Services	To revise the methodology by which school districts shall identify students in grades 3 – 8 who receive AIS
EDU-27-17-00011-EP	07/05/18	Local Assistance Plan (LAP) and Focus Schools	To remove the requirement that LAP and Focus Schools be identified using assessment results from 2015-16 and subsequent years

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-21-17-00002-P	05/24/18	Administrative Complaint Procedure for Resolution of Violations of Title III Provisions of HAVA	To streamline the HAVA complaint procedure and clarify that Counsel's Office at SBOE administers the procedure
SBE-21-17-00004-P	05/24/18	Amending 6201.2 and 6201.3 to update and provide clarity on how Fair Campaign Code Procedures are administered	To update 6201.2 and 6201.3 to update and clarify procedures and to reflect standard for poll release in Board Op. 1984 # 1
SBE-21-17-00005-P	05/24/18	Designation of treasurer removal committee and related procedures	To implement the process of treasurer removal provided for by Part C of Chapter 286 of the Laws of 2016
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
*ENV-11-16-00004-RP	09/05/17	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and technology
ENV-31-16-00003-P	09/30/17	Waste Fuels	Update permit references, rule citations, monitoring, record keeping, reporting requirements, and incorporate federal standards
ENV-36-16-00002-P	11/02/17	Lake Champlain drainage basin	To reclassify certain surface waters in Lake Champlain Drainage Basin, in Clinton, Essex, Franklin, Warren, Washington counties
ENV-06-17-00001-P	03/31/18	Amendments to 6 NYCRR Part 617 (which implement the State Environmental Quality Review Act [Article 8 of the ECL])	The purpose of the rule making is to streamline the SEQR process without sacrificing meaningful environmental review
ENV-09-17-00001-P	03/01/18	Regional Hunting Regulations	To repeal regional hunting regulations
ENV-14-17-00001-P	05/25/18	Prevention and Control of Environmental Pollution by Radioactive Materials	To amend regulations pertaining to disposal and release of radioactive materials to the environment
ENV-16-17-00003-P	04/19/18	Permits for taking surfclams	To reduce paperwork and streamline the surfclam permitting process
ENV-17-17-00006-P	04/26/18	Protection of diamondback terrapin	To close the open season on diamondback terrapin
ENV-17-17-00007-P	04/26/18	Special permit requirement to hunt or trap bobcats in the Harvest Expansion Area in central and western NY	Revise regulations to remove the requirement for a special permit to hunt or trap bobcats in the Harvest Expansion Area
ENV-19-17-00003-P	06/30/18	Part 232 regulates entities that operate dry cleaning machines.	Repeal and replace Part 232 to reduce alternative solvent and perc emissions.
ENV-22-17-00001-EP	05/31/18	Regulations governing the recreational harvest of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
ENV-24-17-00005-P	06/14/18	Lower Salmon River State Forest	To protect public safety and natural resources on the Lower Salmon River State Forest
ENV-27-17-00007-P	07/05/18	Repeal 6 NYCRR Part 500 and Amend/ Repeal references to Parts 750-758	To correct or remove outdated references in the Department's regulations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
DFS-39-16-00007-RP	..... 09/28/17	Charges for Professional Health Services	Limit reimbursement of no-fault health care services provided outside NYS to highest fees in fee schedule for services in NYS
DFS-48-16-00006-RP	..... 11/30/17	Life Insurance and Annuity Non-guaranteed Elements	To establish standards for the determination and readjustment of non-guaranteed elements for life insurance and annuities
DFS-11-17-00003-P	..... 03/15/18	Continuing Care Retirement Communities	Amend rules related to permitted investments, financial transactions, reporting requirements and add new optional contract type
DFS-17-17-00001-P	..... 04/26/18	Supplementary Uninsured/Underinsured Motorists (SUM) Insurance	To establish a standard form for SUM coverage in order to eliminate ambiguity, minimize confusion, and maximize its utility
DFS-17-17-00003-P	..... 04/26/18	Valuation of Individual and Group Accident and Health Insurance Reserves	To adopt the 2013 Individual Disability Income Valuation Table
DFS-18-17-00018-P	..... 05/03/18	Statement of Actuarial Opinion and Actuarial Opinion Summary for Property/Casualty Insurers	To incorporate Section 2A and B of the NAIC's Property and Casualty Actuarial Opinion Model Law
DFS-18-17-00019-P	..... 05/03/18	Financial Risk Transfer Agreements Between Insurers and Accountable Care Organizations	To permit insurers to enter into financial risk transfer agreements with Accountable Care Organizations
DFS-18-17-00020-P	..... 05/03/18	Establishment And Operation Of Market Stabilization Mechanisms For Certain Health Insurance Markets	To allow for the implementation of a market stabilization pool for the small group health insurance market
DFS-18-17-00021-P	..... 05/03/18	Title Insurance Rates, Expenses and Charges	To insure proper, non-excessive rates, compliance with Ins. Law 6409(d), and reasonable charges for ancillary services
DFS-18-17-00022-P	..... 05/03/18	Title insurance agents, affiliated relationships, and title insurance business	To implement requirements of Chapter 57 of Laws of NY 2014 re: title insurance agents and placement of title insurance business
DFS-20-17-00001-P	..... 05/17/18	Private Passenger Motor Vehicle Insurance Multi-Tier Programs	To ensure education level attained/occupational status in initial tier placement/movement does not result in unfair rate
DFS-20-17-00004-P	..... 05/17/18	Financial Statement Filings and Accounting Practices and Procedures	To update citations in Part 83 to the Accounting Practices and Procedures Manual as of March 2017 (instead of 2016)
DFS-25-17-00002-EP	..... 06/21/18	Minimum standards for form, content and sale of health insurance, including standards of full and fair disclosure	To ensure coverage for essential health benefits in all individual, small group, and student accident and health policies
DFS-25-17-00007-EP	..... 06/21/18	Transportation network companies, minimum requirements for financial responsibility policies and other requirements	Implements Part AAA of Chapter 59 of the Laws of 2017, providing for the operation of transportation network companies in NY

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
GAMING COMMISSION, NEW YORK STATE			
SGC-45-16-00004-P	11/09/17	Anti-stacking of NSAIDs and diclofenac made a 48 hour NSAID	To enable the Commission to preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of
SGC-17-17-00004-P	04/26/18	Allow standardbred horses not to requalify when uncontrollable events (e.g., weather) prevent horse from racing on regular basis	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government
SGC-17-17-00008-P	04/26/18	Licensing and regulation of multi-jurisdictional account wagering providers in pari-mutuel horse racing	To adopt rules consistent with and as directed by Chapter 174 of the Laws of 2013
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-35-16-00018-P	08/31/17	All Payer Database (APD)	To define the parameters for operating the APD regarding mandatory data submission by healthcare payers as well as data release
HLT-37-16-00024-P	09/14/17	Medical Use of Marihuana	To comprehensively regulate the manufacture, sale and use of medical marihuana
HLT-41-16-00002-EP	10/12/17	Residential Health Care Facility Quality Pool	To reward NYS facilities with the highest quality outcomes as determined by methodology developed by regulation
HLT-07-17-00009-P	02/15/18	Public Water Systems	To incorporate federal rules and revisions to Public Health Law
HLT-20-17-00013-P	05/17/18	Lead Testing in School Drinking Water	Requires lead testing and remediation of potable drinking water in schools
HLT-21-17-00001-EP	05/24/18	Physician and Pharmacies; Prescribing, Administering and Dispensing for the Treatment of Narcotic Addiction	To allow any authorized practitioner to prescribe, administer & dispense buprenorphine for the treatment of narcotic addiction.
HLT-22-17-00009-P	05/31/18	Updating Certificate of Need Thresholds	To update Certificate of Need review thresholds
HLT-25-17-00009-EP	06/21/18	Hospital Indigent Care Pool Payment Methodology	To extend the methodology for indigent care pool payments to general hospitals for another 3 year period - 1/1/16 - 12/31/18
HLT-25-17-00010-P	06/21/18	Communication Between Clinical Laboratory Physicians and Patients	To allow lab physicians to discuss the meaning and interpretation of test results with patients under certain circumstances
HLT-27-17-00005-P	07/05/18	Managed Care Organizations	To amend prior approval requirements pertaining to asset transfers for managed care organizations.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
MOTOR VEHICLES, DEPARTMENT OF			
MTV-25-17-00008-EP	..... 06/21/18	Transportation network companies	Establish guidelines for the operation of transportation network companies and their drivers
MTV-26-17-00003-EP	..... 06/28/18	Insurance requirements for TNC vehicles	Technical amendment regarding insurance requirements for TNC vehicles
MTV-27-17-00008-P	..... 07/05/18	International Registration Plan	Allows trip permits to be performed via electronic technologies that may be acceptable to the International Registration Bureau
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NIAGARA FRONTIER TRANSPORTATION AUTHORITY			
NFT-23-17-00016-P	..... 06/07/18	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc.	To amend Procurement Guidelines to reflect changes in law, clarifying provisions and change signing authority level
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-08-17-00006-P	..... 02/22/18	Certification of Facilities and Home and Community Based Services (HCBS)	To update, reorganize, and relocate existing requirements for certification of programs and services in OPWDD's system
PDD-27-17-00009-EP	..... 07/05/18	Reportable Incidents and Notable Occurrences	To amend existing regulations for mandated reporters of reportable incidents to the Justice Center
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC EMPLOYMENT RELATIONS BOARD			
PRB-16-17-00002-P	..... 04/19/18	Rules and regulations to effectuate the purposes of the Public Employees' Fair Employment Act (Civil Service Law Art. 14)	Codify existing practices; modernize pleadings; remove outdated rules
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-06-00018-P	..... exempt	Order establishing rate plan by Central Hudson Gas & Electric Corporation and the Consumer Protection Board	To consider the petitions for rehearing
*PSC-39-06-00019-P	..... exempt	Investigation of Richard M. Osborne by Corning Natural Gas Corporation	To determine the interests, plans and commitments that will be in place if he is successful in blocking the merger of Corning Gas and C&T Enterprises
*PSC-39-06-00022-P	..... exempt	Uniform business practices and related matters by U.S. Energy Savings Corporation	To establish a contest period
*PSC-40-06-00005-P	..... exempt	Orion Integral automatic meter reading transmitter by New York State Electric and Gas Corporation	To permit gas utilities in NYS to use the Badger Meter Incorporated Orion Integral transmitters
*PSC-42-06-00011-P	..... exempt	Submetering of electricity by 225 5th LLC	To submeter electricity at 255 Fifth Ave., New York, NY
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-44-06-00014-P	..... exempt	Electric power outages in Northwest Queens by Consolidated Edison Company of New York, Inc.	To review the terms and conditions of the agreement
*PSC-45-06-00007-P	..... exempt	Alleged failure to provide electricity by Robert Andrews	To assess validity of allegations and appropriateness of fines
*PSC-01-07-00031-P	..... exempt	Enforcement mechanisms by National Fuel Gas Distribution Corporation	To modify enforcement mechanisms
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-23-08-00009-P	..... exempt	The transfer of certain real property with an original cost under \$100,000 in the Town of Throop	To consider the filing for the transfer of certain real property in the Town of Throop
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-25-10-00015-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2009	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2009
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-31-10-00007-P	..... exempt	Waiver of the Attachment 23 requirement in 2001 Rate Order that NMPC Board of Directors consist of "outside directors"	To consider the waiver of the requirement that a majority of NMPC Board of directors consist of "outside directors"
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-12-11-00008-P	..... exempt	To allow NYWC to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2010	Consideration of NYWC's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2010
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-13-11-00007-P	..... exempt	Budget allocations and use of System Benefits Charge funds to pay State Cost Recovery Fee	To encourage cost effective gas and electric energy conservation in the State
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-16-11-00011-P	..... exempt	The Energy Efficiency Portfolio Standard	To promote gas and electricity energy conservation programs in New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-23-11-00018-P	..... exempt	NYSERDA's energy efficiency program for low-income customers	To promote energy conservation in New York State
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-51-11-00010-P	..... exempt	The Total Resource Cost (TRC) test, used to analyze measures in the Energy Efficiency Portfolio Standard program	Petitioners request that the TRC test and/or its application to measures should be revised
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00019-P	..... exempt	EEPS programs administered by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation	To modify the C&I sector by combining multiple approved C&I programs into a single C&I program for each PA
*PSC-19-12-00022-P	..... exempt	Approval of a combined heat and power performance program funding plan administered by NYSEERDA	Modify NYSEERDA's EEPS programs budget and targets to fund the CHP program
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00005-P	..... exempt	EEPS multifamily programs administered by Consolidated Edison Company of New York, Inc.	To redesign the multifamily electric and gas programs and modify the budgets and targets
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-35-12-00014-P	..... exempt	To implement an abandonment of White Knight's water system	To approve the implementation of abandonment of White Knight's water system
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-17-13-00008-P	..... exempt	Provision of historical utility pricing information for comparison purposes for residential ESCO customers	Provision of historical utility pricing information for comparison purposes for residential ESCO customers
*PSC-17-13-00010-P	..... exempt	Provision of historical pricing information for comparison purposes for residential ESCO customers	Provision of historical pricing information for comparison purposes for residential ESCO customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00010-P	..... exempt	Permission to write off and eliminate record keeping for regulatory reserves for Pensions and Other Post Retirement Benefits	To allow write off and eliminate record keeping of Pension and Other Post Retirement Benefits Reserves

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-37-13-00007-P	..... exempt	Dissolution of Garrow Water Works Company, Inc..	To allow for the dissolution of Garrow Water Works Company, Inc.
*PSC-39-13-00010-P	..... exempt	NY-Sun initiative within the Customer-Sited Tier of the RPS Program.	To increase the statewide adoption of customer sited photovoltaic solar generation through the NY-Sun Initiative.
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning, restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-04-14-00005-P	..... exempt	National Fuel Gas Corporation's Conservation Incentive Programs.	To modify National Fuel Gas Corporation's Non-Residential Conservation Incentive Program.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDPC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-16-14-00016-P	..... exempt	Waiver of Commission regulations governing termination of service.	Consider United Water New York Inc.'s proposal to expand termination of service provisions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-19-14-00018-P	..... exempt	Uniform System of Accounts, deferral of an expense item	Authorization of a deferral for an expense item beyond the end of the year in which it was incurred
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00010-P	..... exempt	Petitioner requests an order authorizing its participation in the next Main Tier solicitation offered under the RPS Program.	To enable continued operation of a 21 MW biomass fueled electric generating facility in Chateaugay, New York.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00017-P	..... exempt	Existing ratemaking and rate design practices will be revised with a focus on outcomes and incentives.	To use the Commission's ratemaking authority to foster a DER-intensive system.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00025-P	..... exempt	Allocation of uncommitted Technology and Market Development Funds to the Combined Heat & Power Performance Program.	To consider allocation of uncommitted Technology & Market Development Funds to the Combined Heat & Power Performance Program.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-34-14-00009-P	..... exempt	Whether to approve the Quadlogic S10N residential submeter.	Approval of the Quadlogic S10N Smart Meter for use in residential electric submetering is required by 16 NYCRR Parts 93 and 96.
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-36-14-00010-P	..... exempt	The procurement of Main Tier renewable resources will become the responsibility of the State's electric utilities.	To ensure the development of large-scale renewables in New York State to promote fuel diversity and reduce carbon emissions.
*PSC-36-14-00011-P	..... exempt	To defer pension settlement losses associated with retirements in the year ended March 31, 2014.	To resolve the ratemaking of the pension settlement loss.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00018-P	..... exempt	New electric utility demand response tariffs may be adopted.	To develop mature DER markets by enabling the development and use of DR as an economic system resource.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00009-P	..... exempt	Approval of a surcharge.	To allow or disallow Emerald Green Lake Louise Marie Water Company, Inc. for a surcharge.
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-10-15-00009-P	..... exempt	Contingency Tariffs regarding demand response issues	To consider Contingency Tariffs regarding demand response issues
*PSC-12-15-00007-P	..... exempt	The Annual Reconciliation of Gas Expenses and Gas Cost Recoveries codified at Title 16 NYCRR Section 720.6.5	Examine the Annual Reconciliation of Gas Expenses and Gas Cost Recoveries mechanism
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00004-P	..... exempt	Rehearing of the Commission's Order Adopting Regulatory Policy Framework and Implementation Plan	Consideration of a petition for rehearing
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-15-00006-P	..... exempt	Implementation of the proposed Microgrid Business Model as a reliability and demand management resource	Consider implementation of the proposed Microgrid Business Model as a reliability and demand management resource
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-27-15-00014-P	..... exempt	Authorization for NYAW to accrue interest on internal reserve debit balances	To allow NYAW to accrue interest on internal reserve debit balances
*PSC-29-15-00018-P	..... exempt	Approval of ratemaking related to amendment a certificate of public convenience and necessity	To approve or reject the ratemaking aspects of SLG's petition to amend its certificate of public convenience and necessity
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-32-15-00012-P	..... exempt	Proposed standards for Commission oversight of Distributed Energy Resource suppliers.	To consider proposed standards for Commission oversight of Distributed Energy Resource suppliers.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-38-15-00008-P	..... exempt	Notice of Intent to submeter electricity	To consider the request of Community Counseling and Mediation to submeter electricity at 226 Linden Blvd., Brooklyn, New York
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-15-00005-P	..... exempt	Intergrow disputes National Grid's revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Intergrow for the new interconnection is appropriate
*PSC-41-15-00009-P	..... exempt	Main Tier of the Renewable Portfolio Standard program	To consider allocating funding from the Main Tier to an eligible hydroelectric facility
*PSC-41-15-00011-P	..... exempt	Deferral of incremental costs incurred in 2014 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-44-15-00030-P	..... exempt	System Improvement Plan mechanism	To consider Bath's petition to implement a SIP mechanism
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00010-P	..... exempt	Lightened and incidental regulation of a 55 MW electric and steam generating facility.	Consider the lightened and incidental regulation of a 55 MW electric and steam generating facility.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-49-15-00009-P	..... exempt	Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation	To consider a Petition for rehearing of the Order Establishing Interim Ceilings on the Interconnection of Net Metered Generation
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00002-P	..... exempt	Revenue assurance calculations	To consider whether the revenue assurance National Grid is requiring of Tiashoke for the upgraded service is appropriate
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00011-P	..... exempt	Investigation that certain practices of Central Hudson Gas and Electric Corporation resulted in violations of HEFPA.	To consider the Petition of Nobody Leaves Mid-Hudson to investigate Central Hudson for claims of HEFPA violations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00010-P	..... exempt	Lakewood disputes National Grid's revenue assurance calculations, specifically the duration used.	To consider whether the revenue assurance National Grid is requiring of Lakewood for the new interconnection is appropriate.
*PSC-06-16-00012-P	..... exempt	Inclusion of a Farm and Food Community program in the community distributed generation program.	To consider the inclusion of a Farm and Food Community program in the community distributed generation program.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-07-16-00016-P	..... exempt	Use of the Electro Industries Shark 200 electric submeter in residential applications	To consider the use of the Electro Industries Shark 200 submeter
*PSC-11-16-00017-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of 140 West Street Condominium to submeter electricity at 100 Barclay Street, New York, NY
*PSC-12-16-00004-P	..... exempt	The option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge	To consider the option to opt out of using an AMR device, and substitute an electro-mechanical meter, at no additional charge
*PSC-12-16-00007-P	..... exempt	Deferral of incremental costs incurred in 2015 associated with increased gas leak response and repair activities	To consider a petition by Con Edison to defer certain incremental costs associated with gas leak response and repair activities
*PSC-12-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of Promenade Global LLC to submeter electricity at 150 West 225th Street, Bronx, New York.
*PSC-13-16-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of Franklin Place Condominium to submeter electricity at 5 Franklin Place, New York, New York
*PSC-14-16-00007-P	..... exempt	Regulation of customer name changes on pending interconnection applications for grandfathered projects.	To consider regulation of customer name changes on pending interconnection applications for grandfathered projects.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-15-16-00012-P	..... exempt	Adequate service of Verizon New York, Inc.	To consider the adequacy of Verizon New York Inc.'s service quality
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-22-16-00011-P	..... exempt	Petition for rehearing of the Order Modifying Standardized Interconnection Requirements and alternative enforcement mechanisms.	To ensure compliance with the Standardized Interconnection Requirements.
*PSC-22-16-00013-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.
*PSC-24-16-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 220 Central Park South, New York, New York.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.
*PSC-25-16-00018-P	..... exempt	Proposed Community Choice Aggregation Data Security Agreement.	To ensure appropriate consumer protections in Community Choice Aggregation programs.
*PSC-25-16-00019-P	..... exempt	Revision of customer service metrics.	To consider revisions to customer service metrics previously approved by the Commission.
*PSC-25-16-00023-P	..... exempt	Use of the Elster Solutions Energy Axis transponder.	To consider the use of the Elster Solutions Energy Axis transponder.
*PSC-25-16-00024-P	..... exempt	Pole Attachment Rules.	To determine that the Commission's existing pole attachment rules apply to wireless providers.
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
PSC-29-16-00025-P	..... exempt	Proposed modifications to gas safety violations metric adopted in Case 12-G-0202.	To consider NMPC's petition to modify gas safety violations metric.
PSC-30-16-00007-P	..... exempt	The Municipal Electric and Gas Alliance's Community Choice Aggregation Implementation Plan	To ensure appropriate consumer protections
PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
PSC-33-16-00001-EP	..... 08/17/17	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
PSC-33-16-00003-P	..... exempt	Use of the Silver Spring Network communication device in utility metering applications.	To consider the use of the Silver Spring Network communication device.
PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
PSC-34-16-00005-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00006-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00008-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00009-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00010-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00011-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00012-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-34-16-00013-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-34-16-00015-P	..... exempt	Community Choice Aggregation (CCA) Data Services.	To consider the implementation of fees for CCA Data Services requested by CCA Administrators.
PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
PSC-36-16-00003-P	..... exempt	Petition regarding the Commission's July 14, 2016 Order Denying Petition.	To consider the terms and conditions of utility service received by Fastrac Markets, LLC.
PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
PSC-36-16-00005-P	..... exempt	Disposition of tax refunds received by New York American Water Company, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-38-16-00006-P	..... exempt	Request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96	To consider the request for waiver of the individual metering requirements of Opinion 76-17 and 16 NYCRR Part 96
PSC-39-16-00028-P	..... exempt	Consolidated Edison Company of New York, Inc.'s replevin acts and practices.	To review Consolidated Edison Company of New York, Inc.'s replevin acts and practices.
PSC-39-16-00029-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$158,709 or 20%.
PSC-40-16-00013-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00014-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 175 Huguenot Street, New Rochelle, New York.
PSC-40-16-00017-P	..... exempt	Request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)	To consider the request for waiver of 16 NYCRR sections 96.5(a) and 96.6(b)
PSC-40-16-00018-P	..... exempt	Petition for commercial electric meter.	To consider the petition to use the Itron OpenWay Riva commercial meter in electric metering applications.
PSC-40-16-00019-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00020-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 501 Broadway Troy, LLC to submeter electricity at 501 Broadway, Troy, New York.
PSC-40-16-00021-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs.	To consider a surcharge to recover costs of the Dynamic Load Management Programs.
PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
PSC-40-16-00026-P	..... exempt	Compliance filing establishing an interruptible gas service sales rate.	To consider RG&E's proposed revisions to establish an interruptible gas service sales rate.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-16-00014-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-44-16-00015-P	..... exempt	Surcharge to recover costs of Dynamic Load Management Programs	To consider a surcharge to recover costs of the Dynamic Load Management Programs
PSC-45-16-00008-P	..... exempt	Petition to use a commercial electric meter.	To consider the petition to use the Landis+Gyr S4X Commercial Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00009-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Elster/ American AT210TC gas meter in residential applications.
PSC-45-16-00010-P	..... exempt	Petition to use a residential gas meter.	To consider the petition to use the Sensus RT230TC temperature compensated gas meter in residential applications.
PSC-45-16-00011-P	..... exempt	Petition to use a residential electric meter.	To consider the petition to use the Landis+Gyr Focus AXe Meter with Gridstream Series 5 RF Mesh IP AMI.
PSC-45-16-00012-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00014-P	..... exempt	Disposition of property tax benefits.	To consider the disposition of property tax benefits.
PSC-45-16-00015-P	..... exempt	Arbor Hills Water Works Inc.'s rates for the provision of water.	To consider an increase in Arbor Hills Water Works Inc.'s annual water revenues by approximately \$36,500 or 45%.
PSC-45-16-00016-P	..... exempt	Bonville Water Company Inc.'s rates for the provision of water.	To consider an increase in Bonville Water Company Inc.'s annual water revenues by approximately \$25,000 or 45%.
PSC-45-16-00017-P	..... exempt	Knolls Water Co., Inc.'s rates for the provision of water.	To consider an increase in Knolls Water Co., Inc.'s annual water revenues by approximately \$26,600 or 45%.
PSC-45-16-00018-P	..... exempt	Proposed water supply agreement between NYAW and Glen Cove.	To consider the proposed water supply agreement between NYAW and Glen Cove.
PSC-46-16-00015-P	..... exempt	The eligibility of street lighting and area lighting accounts for remote net metering.	Consideration of eligibility for remote net metering.
PSC-46-16-00018-P	..... exempt	Con Edison's proposed pilot shared solar program for low-income customers.	Consideration of the authorization and appropriate design of a utility-owned low- income shared solar program.
PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00011-P	..... exempt	Petition to use residential electric meters	To consider the petition of Itron, Inc. to use the Itron C2SRD and CN2SRD in residential electric meter applications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
PSC-49-16-00005-P	..... exempt	Waiver of certain rules and requirements pertaining to cable television franchise.	To determine whether to waive any regulations.
PSC-52-16-00003-P	..... exempt	Transfer of controlling interest and associated financial transactions.	To consider the transfer of controlling interest and associated financial transactions.
PSC-01-17-00018-P	..... exempt	The addition of Company-owned LED options under SC No. 1 - Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 1
PSC-01-17-00021-P	..... exempt	Petition for clarification	To consider the petition for clarification of the Order Authorizing Submetering, Ordering Clause 4
PSC-01-17-00022-P	..... exempt	The addition of Company-owned LED options under SC No. 3 - Standard Street Lighting Service	To consider the addition of Company-owned LED lighting options for customers served under SC No. 3
PSC-01-17-00023-P	..... exempt	Transfer of certain pipeline facilities and applicability of Public Service Law (PSL) Article 4	To consider a request to transfer certain pipeline facilities and a declaration regarding application of the PSL
PSC-02-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 416 Kent Avenue, Brooklyn, NY and 420 Kent Avenue, Brooklyn, NY.
PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
PSC-03-17-00003-P	..... exempt	Good Energy, L.P.'s Community Choice Aggregation Implementation Plan and Data Protection Plan.	To ensure appropriate consumer protections.
PSC-03-17-00006-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of West 30th HL LLC to submeter electricity at 520 West 30th Street, New York, New York.
PSC-03-17-00008-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 33 Bond Street, Brooklyn, New York and the request for waiver of 16 NYCRR.
PSC-04-17-00010-P	..... exempt	The inclusion of interest in a payment compensating developer for work performed in preparation for electric service	To consider whether to include interest in the calculation of the amount owed in compensation
PSC-05-17-00002-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$1,526,480 or 8.44%.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-05-17-00004-P	..... exempt	Petition to submeter electricity.	To consider the petition to submeter electricity at 336 Himrod Street, Brooklyn, New York and waiver request of § 96.5(k)(3).
PSC-06-17-00004-P	..... exempt	Waiver to permit National Fuel Resources, Inc. to serve low-income customers	To consider the Petition for a waiver
PSC-06-17-00005-P	..... exempt	Waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.	To consider the waiver and rates for Saratoga Water Services, Inc. to provide water service to GLOBALFOUNDRIES U.S. Inc.
PSC-06-17-00008-P	..... exempt	Waiver to permit Ambit New York, LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-06-17-00010-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of VillaBXV Condominium to submeter electricity at 15 Kensington Road, Bronxville, New York.
PSC-06-17-00011-P	..... exempt	A waiver to permit Zone One Energy LLC to serve low-income customers.	To consider the Petition for a waiver.
PSC-06-17-00013-P	..... exempt	Extension of the Brooklyn/Queens Demand Management Program.	To extend the Brooklyn/Queens Demand Management Program.
PSC-07-17-00012-P	..... exempt	Implementation program rules for the Renewable Energy Standard (RES) and Zero-Emission Credit (ZEC) requirement	To promote and maintain renewable and zero-emission electric energy resources
PSC-07-17-00014-P	..... exempt	Petition for rehearing of the December 16, 2016 Order with respect to rate proceedings in Cases 16-G-0058 and 16-G-0059	To consider the petition for rehearing of the December 16, 2016 Order
PSC-07-17-00019-P	..... exempt	Deferral and recovery of incremental costs	To consider deferring costs related to water main leak repairs for subsequent recovery
PSC-07-17-00020-P	..... exempt	Notice of Intent to submeter electricity and request for a waiver of 16 NYCRR § 96.5(k)(3)	To consider the Notice of Intent to submeter electricity at 988 East 180th St., Bronx, NY and waiver request of § 96.5(k)(3)
PSC-08-17-00007-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 327 Central Park West, New York, New York.
PSC-08-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 45 East 22nd Street, New York, New York.
PSC-09-17-00005-P	..... exempt	Notice of Intent to submeter electricity and waiver request of energy audit requirement	To consider the Notice of Intent to submeter electricity at 2351-2359 Adam Clayton Powell Jr. Blvd., NY, NY and waiver request
PSC-09-17-00007-P	..... exempt	Petition to submeter electricity	To consider the petition of 587-91 Third Owner LLC to submeter electricity at 591 Third Avenue, New York, New York
PSC-09-17-00008-P	..... exempt	Petition to submeter electricity	To consider the petition of Red Hook 160, LLC to submeter electricity at 160 Imlay Street, Brooklyn, New York
PSC-11-17-00006-P	..... exempt	Use of the Itron 100W+, to collect and transmit meter data, in water metering applications.	To consider the use of the Itron 100W+, to collect and transmit meter data in water metering applications.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-11-17-00007-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$395,756, or 5.3%.
PSC-11-17-00009-P	..... exempt	Petition to submeter electricity.	To consider the petition of 8th and C HDfC to submeter electricity at 334 East 8th Street, New York, New York.
PSC-11-17-00011-P	..... exempt	Proposed transfers of property interests between APGI and Arconic Inc. and incidental regulation of water-works corporation.	To consider proposed transfers of property interests and incidental regulation of water-works corporation.
PSC-12-17-00012-P	..... exempt	Amendments to the UBP.	To consider amendments to the UBP.
PSC-12-17-00014-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 1501 Voorhies Avenue, Brooklyn, New York.
PSC-12-17-00017-P	..... exempt	Amendments to the UBP.	To consider the petition for amendments to the UBP.
PSC-13-17-00003-P	..... exempt	Rehearing of Commission's January 25, 2017 Order Approving Electric and Gas Rate Plans in Cases 16-E-0060 and 16-G-0061.	To consider Petitions for Rehearing regarding certain metering costs as addressed in Cases 16-E-0060 and 16-G-0061.
PSC-13-17-00004-P	..... exempt	Notice of Intent to submeter electricity and request for waiver of energy audit.	To consider the Notice of Intent to submeter electricity and request for waiver of energy audit.
PSC-13-17-00007-P	..... exempt	Petition for rehearing of the Rate Plan Order.	To consider the petition for rehearing of the Rate Plan Order.
PSC-13-17-00008-P	..... exempt	Petition for rehearing of the Rate Plan Order.	To consider the petition for rehearing of the Rate Plan Order.
PSC-13-17-00009-P	..... exempt	Petition for rehearing and clarification of the Rate Plan Order.	To consider the petition for rehearing and clarification of the Rate Plan Order.
PSC-13-17-00010-P	..... exempt	Rehearing of Commission's January 25, 2017 Order Approving Electric and Gas Rate Plans in Cases 16-E-0060 and 16-G-0061.	To consider Petitions for Rehearing regarding certain metering costs as addressed in Cases 16-E-0060 and 16-G-0061.
PSC-14-17-00008-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00009-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00010-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00011-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00012-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-14-17-00013-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00014-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00015-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs.	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00016-P	..... exempt	Waiver to the prohibition on service to low-income customers by ESCOs..	To consider the petition for a waiver to the prohibition on service to low-income customers by ESCOs.
PSC-14-17-00017-P	..... exempt	Petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.	To consider the petition for Full-Scale Deployment of AMI and to Establish an AMI Surcharge.
PSC-14-17-00018-P	..... exempt	Deferral of incremental REV expenses and recovery through its existing Miscellaneous Charge.	Consideration of the incremental REV expense deferral and recovery petition filed by Central Hudson Gas & Electric Corporation.
PSC-14-17-00019-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 94 North 3rd St., Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-15-17-00004-P	..... exempt	Rolling Meadows Water Corporation's rates for the provision of water.	To consider increasing the volumetric rate from \$8.57 to \$8.84 and increasing the allowed rate case expense to \$37,000.
PSC-16-17-00004-P	..... exempt	Proposed transfer of assets of Corbin Hill to the Town and dissolution of the Company	To consider the transfer of assets of Corbin Hill to the Town and dissolution of the Company
PSC-16-17-00005-P	..... exempt	Revisions to the Form of Application for Service under General Information Section No. 14	To consider revisions to the Form of Application for Service under General Information Section No. 14
PSC-16-17-00006-P	..... exempt	Revisions to the Form of Application for Service under General Information Section No. 13	To consider revisions to the Form of Application for Service under General Information Section No. 13
PSC-16-17-00007-P	..... exempt	Cancellation of Roosevelt Drive Water Users Association's tariff	To consider the cancellation of Roosevelt Drive Water Users Association's tariff
PSC-17-17-00009-P	..... exempt	Potential revisions to the testing requirement for syngas technologies related to eligibility for the Clean Energy Standard	To promote and maintain renewable and zero-emission electric energy resources
PSC-18-17-00023-P	..... exempt	Second stage rate filing.	To consider an increase in rate year revenues by approximately \$247,086 or 8.24%.
PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.
PSC-18-17-00025-P	..... exempt	A petition for rehearing or reconsideration of the Order on Remand Denying Refunds.	To determine whether IPANY and individual pay telephone providers are entitled to refunds from Verizon New York Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
PSC-18-17-00027-P	..... exempt	A petition for rehearing or clarification of the March 9, 2017 Order.	To determine appropriate treatment of submetered energy users in community distributed generation programs.
PSC-18-17-00028-P	..... exempt	A petition for rehearing, reconsideration, or clarification of the March 9, 2017 Order.	To determine appropriate treatment of environmental attributes related to distributed energy resources.
PSC-18-17-00029-P	..... exempt	Commission oversight of distributed energy resource suppliers.	To consider proposed standards for Commission oversight of distributed energy resource suppliers.
PSC-18-17-00030-P	..... exempt	Pareto Energy Ltd.'s petition for rehearing.	To consider Pareto's petition for rehearing.
PSC-18-17-00031-P	..... exempt	Notice of Intent to submeter electricity and waiver of energy audit requirement.	To consider the Notice of Intent to submeter electricity at 1328 Fulton Street, Brooklyn, NY and waiver of 16 NYCRR § 96.5(k)(3).
PSC-18-17-00032-P	..... exempt	Application of Gas Safety Metrics to NFGD's 2014 Records and Field audits.	To consider NFGD's appeal of Gas Safety Metrics as applied to NFGD's 2014 Records and Field audits.
PSC-18-17-00033-P	..... exempt	Use of the ROMET AdEM-T volumetric corrector.	To consider the use of the ROMET AdEM-T volumetric corrector.
PSC-18-17-00034-P	..... exempt	Use of the ROMET AdEM-PTZ volumetric corrector.	To consider the use of the ROMET AdEM-PTZ volumetric corrector.
PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
PSC-20-17-00006-P	..... exempt	Public Street Lighting - LED Options.	To consider the addition of a 23 Watt LED luminaire option under SC No. 4 - Public Street Lighting - Company Owned.
PSC-20-17-00007-P	..... exempt	Minor rate filing.	To consider an increase in annual revenues of about \$319,412 or 12.9%.
PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
PSC-20-17-00009-P	..... exempt	Proof of distributed generation project site control and local moratoria attestation.	To support developing mature project applications and appropriately focus utility resources.
PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
PSC-20-17-00011-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of FreeWythe, LLC to submeter electricity at 60 South 2nd Street, Brooklyn, New York.
PSC-21-17-00011-P	..... exempt	Pole Attachment Rates.	To consider an update to the proxy pole attachment rate used by New York Municipal Power Agency's municipal utility members.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-21-17-00012-P	..... exempt	Compensation for distributed generation systems located at farms.	To consider appropriate compensation and policies for distributed generation systems located at farms.
PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
PSC-21-17-00014-P	..... exempt	Grandfathering provisions for sites served by multiple remote net metered projects.	To consider appropriate grandfathering provisions for sites served by multiple remote net metered projects.
PSC-21-17-00015-P	..... exempt	Expansion of Energy Efficiency and Advanced Metering Infrastructure Programs, and implementation of NWA framework.	To consider expanded Energy Efficiency and AMI programs and framework for implementing NWA projects and related cost recovery.
PSC-21-17-00016-P	..... exempt	Compensation for distributed energy resources through the Value Stack methodology.	To implement appropriate compensation methodologies for distributed energy resources.
PSC-21-17-00017-P	..... exempt	Petition to defer incremental vegetation management funding and relief of 2016 SAIFI negative revenue adjustment.	To consider the petition for deferral accounting and relief of 2016 SAIFI negative revenue adjustment.
PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
PSC-21-17-00019-P	..... exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity at 918 East New York Avenue, Brooklyn, NY and waiver request.
PSC-21-17-00020-P	..... exempt	Mitigation of distributed energy resource project costs and bill impacts.	To implement policies that mitigate costs of distributed energy resource projects.
PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
PSC-22-17-00005-P	..... exempt	To effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves
PSC-22-17-00006-P	..... exempt	Revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15	To consider revisions to the delivery discount and monthly customer charge for SC No. 3 and the commodity price for SC 15
PSC-22-17-00007-P	..... exempt	Certain Commission requirements related to blockable central office codes	To consider a change to certain Commission requirements related to blockable central office codes
PSC-22-17-00008-P	..... exempt	Petition to submeter electricity and waiver request	To consider the petition to submeter electricity at 412-14 East 10th Street, New York, New York and waiver of 16 NYCRR § 96.2(b)
PSC-23-17-00019-P	..... exempt	Clean Energy Standard	To promote and maintain renewable and zero-emission electric energy resources
PSC-23-17-00020-P	..... exempt	Waiver of Commission regulations.	To consider whether to waive Commission regulations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-17-00021-P	..... exempt	Petition to transfer cable systems.	To consider Nicholville et. al.'s request to transfer cable systems in an internal restructuring.
PSC-23-17-00022-P	..... exempt	Changes in regulation of ESCOs, including restrictions on or prohibitions of marketing or offering certain products or services.	To ensure consumer protection for ESCO customers.
PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
PSC-24-17-00007-P	..... exempt	Toll commencement date; allow changes to performance metrics; correct language; allow service termination; reconcile orders.	To consider requests for rehearing, reconsideration or clarification of the April 20, 2017 Order.
PSC-24-17-00008-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 320 East 82nd Owner, LLC to submeter electricity at 320 East 82nd Street, New York, NY.
PSC-24-17-00009-P	..... exempt	Petition to submeter electricity and waiver request.	To consider the petition to submeter electricity at 1013 West Street, Utica, NY and request for waiver of 16 NYCRR § 96.5(k)(3).
PSC-24-17-00010-P	..... exempt	Petition to submeter electricity.	To consider the petition of Bay View Home Association, Inc. to submeter electricity at 671 47th Street Brooklyn, New York.
PSC-24-17-00011-P	..... exempt	Suez Water Westchester, Inc.'s private hydrant rates.	To consider whether Suez Water Westchester, Inc.'s private hydrant rates should be made temporary and subject to refund.
PSC-24-17-00012-P	..... exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity at 425 East 161 Street and waiver request of 16 NYCRR § 96.5(k)(3).
PSC-24-17-00013-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 28-10 and 28-30 Jackson Ave. and 28-40 Queens Blvd., Queens, NY.
PSC-24-17-00014-P	..... exempt	An alternative methodology for calculating billing adjustments.	To consider an alternative methodology for calculating billing adjustments.
PSC-24-17-00015-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 522-528 LLC to submeter electricity at 509 Pacific Street, Brooklyn, New York.
PSC-24-17-00016-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent of 56 Leonard Street Condominium to submeter electricity at 56 Leonard Street, New York, NY.
PSC-25-17-00005-P	..... exempt	Minor rate filing	To consider an increase in annual revenues by \$154,329 or 116%
PSC-25-17-00006-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent of The Charles Condominiums, LLC to submeter electricity at 1355 First Avenue, New York, NY
PSC-26-17-00004-P	..... exempt	Revisions to the delivery discount and monthly customer charge for SC Nos. 15 and 16 and the commodity price for SC 15.	To consider revisions to the delivery discount and monthly customer charge for SC 15 and 16 and the commodity price for SC 15.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
PSC-26-17-00006-P	..... exempt	Notice of Intent to submeter electricity and waiver request.	To consider the Notice of Intent to submeter electricity and waiver request.
PSC-26-17-00007-P	..... exempt	To effectuate amendments to 49 CFR Part 192 mandated by the Pipeline and Hazardous Materials Safety Administration.	To consider revisions to its gas tariff schedule regarding the installation of excess flow valves.
PSC-26-17-00008-P	..... exempt	To revise its provisions regarding no-access for meter reading.	To consider revisions to NMPC's no access provisions related to meter reading in its gas tariff schedule.
PSC-26-17-00009-P	..... exempt	To revise its provisions regarding no-access for meter reading.	To consider revisions to KEDLI's no access provisions related to meter reading in its gas tariff schedule.
PSC-27-17-00012-P	..... exempt	Conclusion of the Energy Efficiency Portfolio Standard programs.	To address the conclusion of EEPS programs, award EEPS 1 and 2 shareholder incentives, and remediate EEPS 1 overspending.
PSC-27-17-00013-P	..... exempt	The issuance by Corning Natural Gas of long-term indebtedness.	To consider Corning to issue long-term indebtedness in the amount of \$44,064,353.
PSC-27-17-00014-P	..... exempt	Major electric rate filing.	To consider an increase in NMPC's electric delivery revenues by approximately \$326 million (or 13.0% in total revenues).
PSC-27-17-00015-P	..... exempt	Whether a proposed agreement for the provision of water service by Saratoga Water Services, Inc. is in the public interest.	To consider a waiver and the terms of a service agreement.
PSC-27-17-00016-P	..... exempt	Modification of interim build-out targets.	To consider a settlement agreement that modifies Section I(B)(1)(c) of Appendix A of the Commission's January 8, 2016 Order.
PSC-27-17-00017-P	..... exempt	Major gas rate filing.	To consider an increase in NMPC's gas delivery revenues by approximately \$81 million (14.0% in total revenues).
STATE, DEPARTMENT OF			
DOS-14-17-00004-P	..... 05/22/18	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code and to make conforming changes to 19 NYCRR Parts 1264 and 1265
DOS-14-17-00005-P	..... 05/22/18	State Energy Conservation Construction Code (the Energy Code)	To amend the existing Energy Code
DOS-26-17-00001-P	..... 06/28/18	Appraisal experience log	To clarify and update Department of State policy in reviewing appraisal experience
DOS-26-17-00002-P	..... 06/28/18	Distance learning for qualifying real estate appraisal courses.	To authorize distance learning for qualifying real estate appraisal courses.
STATE UNIVERSITY OF NEW YORK			
SUN-06-17-00003-P	..... 02/08/18	proposed amendments to traffic and parking regulations at SUNY Binghamton	Amend existing regulations to update traffic and parking regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
SUN-19-17-00005-P	05/10/18	Proposed amendments to traffic and parking regulations at State University College at Plattsburgh	Amend existing regulations to update traffic and parking regulations
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-51-16-00002-EP	12/21/17	Metropolitan Transportation Business Tax Surcharge	To provide metropolitan transportation business tax rate for tax year 2017
TAF-22-17-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2017 through September 30, 2017
TAF-27-17-00004-EP	07/05/18	City of New York withholding tables and other methods.	To provide current City of New York withholding tables and other methods.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-23-17-00015-P	06/07/18	Supplemental Nutrition Assistance Program (SNAP) categorical eligibility	To align State regulations with current SNAP policy and practice regarding categorical eligibility for SNAP
TDA-25-17-00001-P	06/21/18	Local district child support enforcement unit	To afford social services districts greater flexibility in selecting a name for the local entity responsible for child support activities within each social services district, update current State regulation language, and correct regulatory citations
TRANSPORTATION, DEPARTMENT OF			
TRN-24-17-00001-P	06/14/18	Railroad Bridge Inventory and Inspection	Render state railroad bridge inspection and inventory regulations consistent with Title 49 CFR Part 237
WORKERS' COMPENSATION BOARD			
WCB-08-17-00010-RP	02/22/18	Paid Family Leave	Identify requirements and process for implementation of paid family leave program
WCB-20-17-00012-P	05/17/18	Attorneys fees and representation of clients	Create criteria for legal bills and withdrawal of representation
WCB-25-17-00003-P	06/21/18	Workers' compensation benefits for Transportation Network Company drivers	Clarify which drivers are covered and when they are covered by the Black Car Fund

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

15 Animal Kingdom/Golden Mean, LLC
800 Arbor Dr. N, Louisville, KY 40223

15 Broken Vow/Give My Regards, LLC
800 Arbor Dr. N, Louisville, KY 40223

2031 Lombard Partners, LLC
c/o National Realty Investment Advisors, LLC, 1325 Paterson Plank
Rd., 2nd Fl., Secaucus, NJ 07094
State or country in which incorporated — Pennsylvania limited li-
ability company

AJO Emerging Markets Small-Cap Fund, Ltd.
c/o AJO, LP, 125 High St., 18th Fl., Boston, MA 02110
State or country in which incorporated — Cayman Islands

BTCS, Inc.
9466 Georgia Ave., #124, Suite 700, Silver Spring, MD 20901
State or country in which incorporated — Nevada

China Car Parks Investment Fund II L.P.
Walkers Corporate Limited, Cayman Corporate Centre, 27 Hospital
Rd., George Town, Grand Cayman KY1-9008, Cayman Islands
Partnership — China Car Parks Investment Fund II GP L.P.

Concord Jacksonville TC B LLC
11410 Common Oaks Dr., Raleigh, NC 27614

Covision Offshore Fund Ltd., The
SS&C Fund Svcs (Cayman) Ltd., 45 Market St., Suite 3205, Second
Fl., Gardenia Court, Camana Bay, Grand Cayman, Cayman Islands
KY1-9003
State or country in which incorporated — Cayman Islands

KWH New Energy Corp.
78 Oak St., Wellesley, MA 02482
State or country in which incorporated — Delaware

L Catterton Asia 3 LP
c/o Mourant Ozannes Corp Services, 94 Solaris Ave., Camana Bay,
Grand Cayman, Cayman Islands KY1-1108
Partnership — L Catterton Asia 3 GP Pte. Ltd.

L Catterton Asia 3 Sing LP
One Kim Seng Promenade, #18-07/12, Great World City, Singapore
237994
Partnership — L Catterton Asia 3 GP Pte. Ltd.

Lake Hill Tactical Fund LLC
c/o Leucadia Asset Management LLC, 520 Madison Ave., New York,
NY 10022
Partnership — Leucadia Asset Management LLC

Meta Stable Balanced, L.P.
2000 Broadway, Suite 912, San Francisco, CA 94115
Partnership — Meta Stable, LLC

MINT Holdings, Inc., The
1215 Kingwood Dr., Kingwood, TX 77339
State or country in which incorporated — Texas

OceanLink Partners Fund, LP
Two Bloor St. W, Suite 1902, Toronto, Ontario M4W 3E2, Canada
Partnership — OceanLink Management Ltd.

Pelerin Global Value Fund USA LP
Craigmuir Chambers, Road Town, Tortola, BV1 VG 1110
Partnership — Pelerin Global Value Fund USA GP, LLC

Revelo Resources Corp.
Suite 501-543, Granville St., Vancouver, BC V6C 1X8, Canada
State or country in which incorporated — Canada

Row Diversified Offshore Fund, Ltd.
450 Newport Center Dr., Suite 420, Newport Beach, CA 92660
State or country in which incorporated — Cayman Islands

Serina Therapeutics, Inc.
601 Genome Way, Suite 2001, Huntsville, AL 35806
State or country in which incorporated — Alabama

Stem 7 Capital Inc.
c/o 1200-750 W. Pender St., Vancouver, BC V6C 2T8 Canada
State or country in which incorporated — Canada

Texas Securities, Inc.
4024 Nazarene Dr., Suite B, Carrollton, TX 75010
State or country in which incorporated — Texas

Yiheng Capital Offshore Partners, Ltd.
c/o Stone-Coast Fund Services, Ltd., 48 Par La Ville Rd., Suite 497,
Hamilton, Bermuda HM11
State or country in which incorporated — Cayman Islands

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE CEILING TILES

Tonawanda Indian Community House
Akron, Erie County

Sealed bids for Project Nos. 45261-C, 45261-E, 45261-N, comprising separate contracts for Construction Work, Electrical Work and Fire Protection Work, Replace Ceiling Tiles, Tonawanda Indian Community House, 372 Bloomingdale Road, Akron (Erie County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, July 19, 2017, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a certified check, bank check, or bid bond in the amount of \$24,400 for C, \$3,900 for E, and \$22,000 for N.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond in the statutory form of public bonds required by Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C, between \$25,000 and \$50,000 for E, and between \$250,000 and \$500,000 for N.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Frank Peris, Carl Ruppert and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewycky, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 427 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 6, 2017 at Tonawanda Indian

Community House, 372 Bloomingdale Road, Akron, NY. Prospective bidders are urged to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search.

For assistance pertaining to the site visit only, please phone Allyson Youdsavage (716) 937-4200.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction and Fire Protection Work. The total contract goal can be obtained by utilizing any combination of MBE and /or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <http://www.ogs.ny.gov/bu/dc/esb/acquirebid.asp>.

For questions about purchase of bid documents, please send an e-mail to DC.Plans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>.

By *John D. Lewycky*, Deputy Director
OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for July 2017 will be conducted on July 18 and July 19 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. 1, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Department of Health

The New York State Department of Health is submitting a request to the federal Centers for Medicare and Medicaid Services (CMS) to amend the Medicaid Redesign Team (MRT) Plan. The following is a clarification and update to the September 21, 2016 noticed provision regarding the MRT redesign initiatives for children.

The amended MRT Plan will take effect January 1, 2018. Under that Plan:

Beginning no earlier than January 1, 2018, New York is seeking approval with this demonstration amendment to:

- Incorporate certain Medicaid State Plan behavioral health services into the MMMC and HIV SNP contracts for enrolled children.
- Transition coverage under the six children's Section 1915(c) HCBS waivers to the 1115 demonstration and Health Home:
 - o Office of Mental Health (OMH) Serious Emotional Disturbance (SED) waiver #NY.0296;
 - o Department of Health (DOH) Care At Home (CAH) I/II waiver #NY.4125;
 - o Office for People With Developmental Disabilities (OPWDD) Care At Home (CAH) waiver #NY.40176;
 - o Office of Children and Families (OCFS) Bridges to Health (B2H) SED waiver #NY.0469, B2H Developmental Disability (DD) waiver #NY.0470, and B2H Medically Fragile waiver #NY.0471;
- Remove the exemption from mandatory enrollment into MMMC and HIV SNPS for children in the above HCBS waivers for receipt of HCBS by phasing in enrollment, unless the child is otherwise exempt or excluded from enrollment (i.e., available comprehensive Third Party Health Insurance and/or Medicare, or Medically Needy child who is provisionally eligible). Children who are otherwise exempt or excluded from enrollment into MMMC will remain in FFS Medicaid, and receive HCBS under the demonstration on a FFS basis, until those exemptions or exclusions from MMMC and HIV SNP enrollment are removed.
- Streamline children's HCBS administration to have more consistent eligibility processes and benefits across all populations.
- Provide Health Home care management for children eligible for HCBS.
- Offer a single HCBS benefit package to all children meeting institutional level of care (LOC) functional criteria. This includes offering State Plan CFCSO services to LOC children eligible for Medicaid solely because of receipt of HCBS services (i.e., Family-of-One children not eligible under the State Plan but who meet institutional admission criteria and receive HCBS services).
- Expand Medicaid services to offer an HCBS benefit package identical to the 1115 HCBS package (but not including State Plan CFCSO services) to children meeting targeting criteria and having functional needs at-risk of institutional care under the Demonstration. These services will be called the at-risk HCBS Level of Need (LON) services throughout the amendment and will be added no earlier than January 1, 2019.
- Expand Medicaid eligibility for children meeting at-risk HCBS LON targeting and functional status to offer an HCBS benefit package identical to the HCBS package for other at-risk LON children under the Demonstration no earlier than January 1, 2019.
- Remove the exclusion from MMMC enrollment for children in the care of a voluntary foster care agency no earlier than January 1, 2019.
- Transition from non-risk to risk-based reimbursement for HCBS in MMMC and HIV SNP over time but no earlier than July 1, 2020.

Additional information concerning the MRT Plan and any amendment requests can be obtained by writing to: Department of Health, Office of Health Insurance Programs, Corning Tower (OCP Suite 720), Waiver Management Unit, Albany, NY 12237 or by e-mail: 1115waivers@health.state.ny.us

Written comments concerning the amendment will be accepted at the above address for a period of thirty (30) days from the date of this notice.

MRT Plan information is also available to the public on-line at http://www.health.ny.gov/health_care/medicaid/redesign/behavioral_health/

PUBLIC NOTICE

Department of State

F-2017-0141

Date of Issuance – July 5, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0141, the Chevron Environmental Management (CEM), is proposing installation of a full scale shoreline remedy, an Oleophilic Bio Barrier (OBB) on the eastern shoreline of the Hudson River adjacent to the Former Gulf/CFI Terminal, currently Gorman Asphalt, LLC, (Gorman), within the City of Rensselaer, Rensselaer County. The installation of the OBB will require depositing fill material (i.e., sand and stone fill) into the intertidal zone of the Hudson River, a tidal, navigable waterway regulated by the United States Army Corps of Engineers (USACE) and Conservation NYSDEC. The project will alter 0.5 acres in the intertidal zone. 0.09 acres of waterbody will be altered. 45 CY of material will be dredged. 148 CY stone fill material (marine mattresses) and 23 CY of sand fill material will be placed. The OBB will have dimensions of 195' by 20' and be located completely below MHW, landward of the Federal Navigation channel, bulkhead line, and pier line.

Implementation of the full-scale OBB will include the following main components sequenced in this manner:

- Preparing the site including installation of a material staging area, an access road as well as erosion and sedimentation controls (i.e., silt fence, turbidity curtain, and absorbent boom) around the work and support areas;
- Decommissioning the existing OBB field demonstration and properly handling the decommissioned materials;
- Installing the full-scale OBB components within the intertidal zone (i.e., two layers of geocomposite material overlain by an approximately 3-inch thick layer of coarse sand, non-woven geotextile, rockfilled polymeric marine mattresses, and earth anchors); and
- Restoring areas disturbed as a result of the construction.

Purpose of Proposed Activity:

The stated purpose of the proposed activity is that The OBB is being installed based on a stipulation agreement between the New York State Department of Environmental Conservation (NYSDEC) and CEMC to address releases that have occurred in the past. The OBB is an innovative sediment cap technology that utilizes an oleophilic (i.e., oil loving) material to prevent sheen formation on surface water. The OBB prevents sheens by intercepting and retaining non-aqueous phase liquid (NAPL) at the sediment surface to facilitate biological degradation of NAPL by naturally occurring microbes. The full-scale OBB will serve as a shoreline remedy with the objectives to capture and degrade sheen emanating to the surface water; and allow for ongoing evaluation of long-term effectiveness of OBB in tidal environments.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, July 20, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2017-0143

Date of Issuance – July 5, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0143, Peter McGuire is proposing to construct a concrete bulkhead along the Hudson River edge of property and connect to existing bulkheads on each adjoining property in the Town of Haverstraw, Rockland County.

Purpose of Proposed Activity:

The stated purpose of the proposed activity is to prevent the storm related erosion of the lower portion of the waterfront property.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, July 20, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2017-0221

Date of Issuance – July 5, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0221, Peter McGuire is proposing to construct a walkway and dock on the east end of his property into the Salmon River. The proposed walkway is intended to meet at the shoreline and pass over the wetlands until the walkway meets the river. The proposed dock is 30 feet in length with a width of 8 feet, resulting in 240 square feet of coverage. This will require the dredging of 266 cyds of material at the base of the dock.

Purpose of Proposed Activity:

The stated purpose of the proposed activity is that a walkway is required to avoid impacts to the wetlands on-site; the dock will be placed in the river. Dredging in the river will allow for the owner to allow adequate depth for docking.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, July 20, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Com-

merce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2017-0251

Date of Issuance – July 5, 2017

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2017-0251, the New York State Department of Transportation is proposing immediate action to fill in three areas of erosion along the north/bay side of the Ocean State Parkway that threaten to undermine the parkway shoulder, guiderail, and pavement, within the Town of Babylon, Suffolk County. The requested work to be done consists of installing armored stone riprap to protect the coastal environment bordering 205 feet (in three separate areas) along the Ocean State Parkway near Oak Beach where erosion has increased due to repeated medium energy wave forces and storm conditions. The Department plans to include an armor layer, a filter layer, and toe tone in following with the specifications highlighted in DEC guidelines for protection against wave-based erosion. This erosion has decreased the amount of vegetated land adjacent to the Parkway and, if left unmitigated, threatens to undermine the Parkway. Although a guiderail still exists between these three heavily eroded areas and the Parkway, the repetitive action of the eroding forces stand to project further erosion. This process in conjunction with a potential automotive collision into the guiderail at these areas would very well result in serious injury and damage. Thus, this project is a preemptive effort to restore the slopes of the three endangered areas back to their natural alignment to withstand, with reinforced strength via riprap, current and future erosive natural forces. A total of 450 CY of fill material will be placed over 692 square feet.

Purpose of Proposed Activity:

The stated purpose of the proposed activity is restore the slope of the embankment along the coastal side of the Parkway back to its original, pre-Sandy dimensions to prevent further erosion and protect the structural integrity of the Parkway.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, July 20, 2017.

Comments should be addressed to the Consistency Review Unit, Department of State, Office of Planning and Development, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000; Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov.

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

EXECUTIVE ORDERS

Executive Order No. 167: Ban on Insurers that Withdraw from NY State of Health, New York's Official Health Plan Marketplace.

WHEREAS, the House of Representatives has recently passed the American Health Care Act, which would reduce financial assistance for health insurance coverage, particularly for people with low or moderate incomes.

WHEREAS, the American Health Care Act will be disastrous for New York in that it will leave 2.7 million New Yorkers without health care coverage, cut \$4.7 billion from the State's Medicaid budget, put at risk 7 million people who rely on Medicaid services and other programs created under the Affordable Care Act, and threaten the entire New York State health care system which serves 19.5 million New Yorkers.

WHEREAS, the American Health Care Act would also enable insurers to charge more for people with preexisting conditions in some states, rolling back a key achievement of the Affordable Care Act, removing protections for people with pre-existing conditions, and resulting in individuals paying high premiums, and forcing those who cannot afford it to lose coverage.

WHEREAS, New York established NY State of Health, the state's official health plan marketplace, in accordance with the Affordable Care Act to lower premiums for individuals and decrease the number of uninsured New Yorkers.

WHEREAS, since NY State of Health became operational in 2013, the uninsured rate in New York has been cut in half from 10 percent to 5 percent, the lowest level in decades, and the number of individuals who purchase insurance has increased by 270 percent.

WHEREAS, 3.6 million New Yorkers, 18 percent of the State's population, are enrolled in affordable health insurance through NY State of Health in a continuum of programs based on household income and other eligibility criteria including Qualified Health Plans, Medicaid, the Essential Plan and Child Health Plus.

WHEREAS, New Yorkers must enroll in health insurance through NY State of Health in order to receive an estimated \$400 million annually in federal financial assistance to reduce premiums, as well as cost sharing credits that reduce the cost of health care services.

WHEREAS, the American Health Care Act, along with statements made by elected representatives in Washington, D.C., has created uncertainty in the health insurance market that has the potential to cause unnecessary price increases and other adverse impacts on New Yorkers.

WHEREAS, withdrawal by insurers from the Individual Marketplace would have a significant and detrimental impact on hundreds of thousands of New Yorkers and is grossly irresponsible, as it puts the health of our most vulnerable New Yorkers at risk.

WHEREAS, it is therefore critical that the State of New York take action to ensure that New Yorkers have uninterrupted access to affordable health insurance coverage.

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby order as follows:

I. DEFINITIONS

A. "Affected State Entities" means (i) all agencies and departments over which the Governor has executive authority, and (ii) all public-benefit corporations, public authorities, boards, and commis-

sions, for which the Governor appoints the Chair, the Chief Executive, or the majority of Board Members, except for the Port Authority of New York and New Jersey.

B. "Commissioner" means the Commissioner of Health of the State of New York.

C. "Department" means the Department of Health of the State of New York.

D. "Insurer" means an insurer, and any affiliates of such insurer, that is licensed to write accident and health insurance pursuant to Article 32 of the Insurance Law; a corporation organized pursuant to Article 43 of the Insurance Law; or a health maintenance organization certified pursuant to Article 44 of the Public Health Law.

E. "Marketplace" means the Individual Marketplace within NY State of Health, The Official Health Plan Marketplace located within the Department. Pursuant to the federal Patient Protection and Affordable Care Act (Affordable Care Act), the Individual Marketplace qualifies eligible individuals and families to buy affordable qualified health plans and access to federal financial assistance to pay for such coverage.

II. PUBLICLY AVAILABLE LIST OF INSURERS

A. The Commissioner is hereby directed to notify Marketplace insurers that on or before September 1 of each year, or an alternative date as specified by the Commissioner, each insurer intending to withdraw from the Marketplace must notify the Marketplace of its intention to withdraw from offering qualified health plans on the Marketplace for the following plan year.

B. Upon receipt of such notice, the Commissioner shall provide to the particular insurer written notice of the Commissioner's intent to include the insurer on a publicly available list of insurers that have provided notice of their intent to withdraw from the Marketplace. Insurers shall have a period of 30 days from the receipt of the Commissioner's notice to present the Commissioner with evidence that the insurer has not withdrawn from the Marketplace.

C. The publicly available list of insurers that have provided a notice of intent to withdraw from the Marketplace shall be posted on the website of the Department. Where, pursuant to Section II (B) above, the Commissioner makes a good faith determination that the insurer has not withdrawn from the Marketplace, the Commissioner shall not include the insurer on the list.

D. The Commissioner shall notify an insurer that has been included on the Commissioner's list that the insurer may request removal from the list by submitting written evidence to the Commissioner within 30 days of the Commissioner's publication of the list on the Department's website that the insurer has not withdrawn from the Marketplace. If the Commissioner makes a good faith determination that the insurer provides coverage on the Individual Marketplace, the Commissioner shall remove the insurer from the list.

III. PROHIBITION ON CONTRACTING BY AFFECTED STATE ENTITIES

All Affected State Entities are hereby directed not to enter into any new contracts or extend existing contracts with any insurer that is included on the Commissioner's list pursuant to Section II above.

IV. NO FURTHER PARTICIPATION IN OTHER MARKETPLACE PROGRAMS

The Department is hereby directed not to permit any insurer that is included on the Commissioner's list pursuant to Section II above, hav-

ing withdrawn from the Marketplace, from offering plans in any other program offered on the Marketplace, including Medicaid, Child Health Plus, and the Essential Plan.

V. COMMISSIONER'S DISCRETION

Notwithstanding Sections III and IV above, Affected State Entities and the Marketplace may enter into or extend a contract for services with an insurer on the Commissioner's list but only when the head of the Affected State Entity or Marketplace makes a written determination that the services to be provided by such insurer are necessary to the performance of an essential state function and that such contract is otherwise in the best interests of the State. Such written determination shall be provided to the Secretary to the Governor and the Counsel to the Governor not fewer than 10 days prior to the date that the Affected State Entity or the Marketplace enters into or extends such contract.

FURTHER, this Order shall take effect immediately.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of June in the year two thousand seventeen.

BY THE GOVERNOR

/S/ Andrew M. Cuomo

/s/ Melissa DeRosa

Secretary to the Governor